

**THE GAZETTE OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

Part II of June 14, 2019

SUPPLEMENT

(Issued on 17.06.2019)



**HIGHER EDUCATION
(QUALITY ASSURANCE AND ACCREDITATION)**

A

BILL

to provide for the establishment of a commission known as the Quality Assurance and Accreditation Commission for Higher Education in accordance with the National Policy on Coordination and Determination of Standards in Institutions for Higher Education or Research and Scientific and Technical Institutions; to provide for a legal Framework for Quality Assurance and Accreditation of Higher Educational Institutions and for matters connected therewith or incidental thereto

*Ordered to be published by the
Minister of City Planning, Water Supply and Higher Education*

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 73.00

Postage : Rs. 35.00

This Gazette Supplement can be downloaded from www.documents.gov.lk



Higher Education
(*Quality Assurance and Accreditation*)

L.D.—O. 29/2011

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A COMMISSION KNOWN AS THE QUALITY ASSURANCE AND ACCREDITATION COMMISSION FOR HIGHER EDUCATION IN ACCORDANCE WITH THE NATIONAL POLICY ON COORDINATION AND DETERMINATION OF STANDARDS IN INSTITUTIONS FOR HIGHER EDUCATION OR RESEARCH AND SCIENTIFIC AND TECHNICAL INSTITUTIONS; TO PROVIDE FOR A LEGAL FRAMEWORK FOR QUALITY ASSURANCE AND ACCREDITATION OF HIGHER EDUCATIONAL INSTITUTIONS AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :-

1. (1) This Act may be cited as the Higher Education (Quality Assurance and Accreditation) Act, No. 2019. Short title and date of operation.

5 (2) This Act shall come into operation in respect of all or any of its provisions, on such date or dates as the Minister may appoint by Order published in the *Gazette*.

(3) The provisions of subsection (2), shall come into operation on the date on which the certificate of the Speaker
10 is endorsed in respect of this Act in terms of Article 79 of the Constitution.

PART I

QUALITY ASSURANCE AND ACCREDITATION COMMISSION FOR
HIGHER EDUCATION

15 2. (1) Notwithstanding anything contrary to the provisions contained in any other written law, there shall be established a Commission called the Quality Assurance and Accreditation Commission for Higher Education (hereinafter referred to as the “Commission”) as the National Authority Establishment of the Quality Assurance and Accreditation Commission for Higher Education.

2

Higher Education
(*Quality Assurance and Accreditation*)

for Quality Assurance and Accreditation for Higher Education.

(2) The Commission shall, by the name assigned to it by subsection (1), be a body corporate with perpetual succession
5 and a common seal and may sue and be sued in such name.

3. The objects of the Commission shall be –

Objects of the Commission.

- 10
- (a) to establish a System of Quality Assurance and Accreditation based on the principles of good governance to maintain the high standard of quality of educational qualifications in Higher Educational Institutions;
 - (b) to act as the apex body for Quality Assurance and Accreditation at National Level; and
 - 15 (c) to map the different qualifications in accordance with the Sri Lanka Qualifications Framework (SLQF) to facilitate the cross mobility.

4. (1) The Commission shall consist of –

Constitution of the Commission.

- 20
- (a) the following *ex-officio* members namely–
 - 25 (i) the Secretary to the Ministry of the Minister assigned the subject of Higher Education or an Additional Secretary of that Ministry nominated by such Secretary;
 - (ii) the Secretary to the Ministry of the Minister assigned the subject of Finance or an Additional Secretary of that Ministry nominated by such Secretary;

- (iii) the Chairman of the University Grants Commission or Vice Chairman of that Commission nominated by such Chairman;
- 5 (iv) the Chairman of the National Education Commission established under the National Education Commission Act, No. 19 of 1991 or Vice Chairman of that Commission nominated by such
- 10 Chairman; and
- (b) nine other members appointed by the President from a panel of fifteen persons nominated by the Minister.
- (2) The panel of fifteen persons nominated for the
- 15 purposes of paragraph (b) of subsection (1), shall be from among persons who have academic qualifications, knowledge, experience and who have shown proven capacity in quality assurance, educational, professional, commercial, management, industrial, scientific, legal or administrative
- 20 field or any other relevant field.
- (3) The Minister shall, prior to nominating a person as a member of the Commission, satisfy himself that such person has no financial or other conflict of interest in the affairs of the Commission, as is likely to affect adversely the
- 25 discharging of his functions as a member of the Commission.
- (4) For the purposes of subsection (2), the Minister shall endeavor to ensure that such nominations reflect the pluralistic character of the Sri Lankan society including gender.
- 30 (5) The President shall appoint a member from among the members referred to in paragraph (b) of subsection (1) as the Chairman having regard to such member's experience in dealing with matters relating to quality assurance in Higher Education.

Higher Education
(*Quality Assurance and Accreditation*)

(6) At least five members including the Chairman other than the *ex-officio* members shall function as fulltime members.

5 **5.** (1) A person shall be disqualified from being appointed, nominated or continuing as a member of the Commission if— Disqualifications from being a member of the Commission.

- (a) he is or becomes a member of Parliament, a member of a Provincial Council or a member of any Local Authority;
- 10 (b) he is or becomes directly or indirectly, by himself or by any other person on his behalf, holds or enjoy any right or benefit under any contract made by or on behalf of the Commission, as the case may be;
- 15 (c) he has any financial or other conflict of interest in the affairs of the Commission;
- (d) he is engaged—
 - (i) in any employment or assignment in any Higher Educational Institution; or
 - 20 (ii) in any employment in an institution responsible for the maintenance and administration of any higher educational institution,
 - 25 during the tenure of the membership of the Commission;
 - (e) he is under any law in force in Sri Lanka or in any other country, found or declared to be of unsound mind;
 - 30 (f) he is a person who, having been declared an insolvent or bankrupt under any law in force in Sri Lanka or in any other country;

Higher Education
(Quality Assurance and Accreditation)

5

(g) he has been convicted of any criminal offence by any court in Sri Lanka or in any other country;

5 (h) he is absent from six consecutive committee meetings without obtaining prior permission of the commission:

provided that, such leave of absence shall not exceed a period of three months at any given time;

(i) he is more than seventy two years of age.

10 **6.** The President shall in consultation with the Minister remove from office any member appointed under section 4-

Removal of members from office.

(a) if he becomes subject to any of the disqualifications as set out in section 5; or

15 (b) if he becomes permanently incapable of performing his duties owing to any physical disability or unsoundness of mind; or

(c) if he does any act which is likely to bring the Commission into disrepute.

20 **7.** (1) Every member of the Commission including the Chairman shall, unless he vacates office earlier, hold office for a term of five years from the date of his appointment and shall unless removed from office under section 6, be eligible for reappointment:

Term of the office of the members of the Commission.

Provided however, no member shall be appointed to the Commission for more than two consecutive terms.

25 (2) The Chairman or a member of the Commission may resign his office as a Chairman or a member as the case may be at any time by writing under his hand addressed to the President with notice to the Minister. Such resignation shall take effect upon it being accepted by the President in writing.

(3) If the Chairman or a member of the Commission appointed under section 4 vacates office by resignation, removal or death, the President shall, subject to the provisions of paragraph (b) of subsection (1) of section 4 appoint from the remaining members of the panel nominated by the Minister another person to fill such vacancy and such person shall hold such office for the unexpired period of the term of office of the Chairman or the member whom he succeeds.

(4) If the Chairman by reason of illness, infirmity or absence from Sri Lanka or other cause, is temporarily unable to perform the duties of his office, the President may appoint a full time member to act as the Chairman.

8. (1) The Commission shall function on full time basis. Meetings of the Commission.

(2) The meetings of the Commission shall be held at least four times a month.

(3) The Chairman shall preside at all meetings of the Commission. In the absence of the Chairman at any meeting, the members present shall elect a member from amongst the members present, to preside at such meeting.

(4) The quorum for any meeting of the Commission shall be five members. At least one member shall be a non-full time member.

(5) The Chairman or in his absence the member presiding at any meeting shall have, in addition to his own vote, a casting vote when there is an equality of votes.

(6) The votes of the members shall be recorded in the minutes book of the Commission.

(7) Without prejudice to the provisions of subsection (9) of this section, if less than five members of the Commission are present in Sri Lanka, a member who is not in Sri Lanka

Higher Education
(*Quality Assurance and Accreditation*)

7

may participate in a meeting by electronic or any other means of communication with the prior permission of the Commission.

5 (8) A member who participates in a meeting under subsection (7), shall be deemed to have been present at the meetings.

(9) The Commission may regulate the procedure with regard to its meetings and the transaction of business at such meeting.

10 (10) No act, decision or proceedings of the Commission shall be deemed to be invalid by reason only of the existence of any vacancy in the membership of the Commission or any defect in the appointment of any member thereof.

9. The Commission may—

Powers and
functions of the
Commission.

15 (a) formulate, implement and update Sri Lanka Qualification Framework ;

20 (b) establish and maintain liaison and cooperation with any professional or any statutory or any regulatory body or Quality Assurance and Accreditation bodies in Higher Education within and outside Sri Lanka on matters relating to Quality Assurance and Accreditation;

25 (c) determine policies, standards and criteria and update standards, criteria, procedures and processes as appropriate for Quality Assurance and Accreditation of Higher Educational Institutions in accordance with the prescribed manuals, tools, devices, or relevant international standards;

30 (d) appoint trained and experienced quality auditors to conduct institutional and programme audits and external quality assurance reviews;

Higher Education
(*Quality Assurance and Accreditation*)

- (e) grant provisional or full accreditation to Higher Educational Institutions and to Programmes and review such accreditation from time to time;
- 5 (f) revoke provisional accreditation or full accreditation granted to Higher Educational Institutions and Programmes conducted thereof that are not keeping up with the required quality and standards determined by the Commission;
- 10 (g) inquire into any complaints relating to the noncompliance with accreditation requirements, by a Higher Educational Institution or a Programme and to take appropriate action;
- 15 (h) evaluate foreign degrees, diplomas and other academic distinctions for the purpose of recognition or accreditation of such degrees, diplomas or academic distinctions in consultation with the relevant professional or statutory or regulatory body or foreign academic institutions where necessary;
- 20
- (i) evaluate from time to time, where necessary in consultation with the relevant professional bodies or statutory bodies or regulatory bodies whether the minimum admission criteria for student enrollment into academic programmes are in compliance with the Sri Lanka Qualifications Framework (SLQF);
- 25
- (j) assess whether the degrees and qualifications awarded by the Higher Educational Institutions are in compliance with the qualification descriptors and learning outcomes as set out in the Sri Lanka Qualifications Framework (SLQF);
- 30

- 5

(k) make recommendations on the appropriate level of qualifications according to the Sri Lanka Qualifications Framework (SLQF) to be adopted for Higher Educational programmes and vocational and technical training programmes offered by Higher Educational Institutions;
- 10

(l) map Higher Educational qualifications against vocational qualifications including Sri Lanka Qualification Framework (SLQF) and National Vocational Qualification Framework (NVQF) to facilitate cross mobility of students;
- 15

(m) recommend to the Higher Educational Institutions to provide opportunities to persons based on their abilities, experiences and capacities including any exemptions on age limitations, enabling such persons to engage in Higher Education;
- 20

(n) make recommendations for quality improvements in Higher Educational Institutions;
- 25

(o) collect, disseminate information relating to Higher Education and maintain and update a register of accredited Higher Educational Institutions and accredited programmes and publish the names of such accredited Higher Educational Institutions and accredited programmes in the print and electronic media;
- 30

(p) appoint officers and employees to the staff of the Commission and to appoint experts and committees to the Commission;
- (q) levy, fees or charges for any service rendered by the Commission;

10 *Higher Education*
(*Quality Assurance and Accreditation*)

- (r) enter into such agreements, contracts as may be necessary or expedient for the performance and discharge of its duties and functions;
- 5 (s) issue circulars from time to time to all Higher Educational Institutions and to their professional and academic staff, as may become necessary in connection with the performance and discharge of their duties and functions;
- 10 (t) design and administer a system prescribed by regulations for accreditation of Higher Educational Institutions providing higher education, and other organizations or bodies of persons who either directly or indirectly
- 15 offer or provide any service relating to or connected with providing higher education;
- (u) develop and publish codes of practice relating to the content, delivery and technical standards for Higher Educational services and
- 20 monitor compliance with such codes;
- (v) recognize a professional or statutory or regulatory body local or foreign in the manner prescribed by regulations under section 52;
- 25 (w) require the relevant professional or statutory or regulatory body to determine the minimum standards relating to the grant of accreditation of a professional programme or qualifications;
- (x) engage in research, development studies and technical cooperation projects relating to or
- 30 connected with the discharge and performance of the functions and duties of the Commission;

- 5 (y) specify by notification published in the *Gazette* the levels of accreditation or certification and inspection marks, logos approved and granted by the Commission, to Higher Educational Institutions and its programmes and control the use of such marks or logos;
- 10 (z) acquire by way of purchase or otherwise, any movable or immovable property and hold, take or give on lease or hire, mortgage, pledge and sell or otherwise dispose of in accordance with the provisions of this Act, any such movable or immovable property of the Commission;
- 15 (aa) open and maintain bank accounts with any bank as determined by the Commission and authorize any person to operate such account or accounts on behalf of the Commission;
- 20 (ab) become a member or an affiliate of any international body, the functions or duties of which are similar to the functions of the Commission by or under this Act;
- 25 (ac) provide within or outside Sri Lanka consultancy services or any technical, managerial or other services in any area whether by itself or in association with any other authority, in which the Commission possess the skill or expertise;
- 30 (ad) receive grants or contributions from any sources whatsoever and to raise funds by all lawful means and apply such funds in the performance and discharge of the duties and functions of the Commission;

12

5

10

15

PART II

ACCREDITATION OF HIGHER EDUCATIONAL INSTITUTIONS

20 **10.** (1) The Provisions of this Act, shall be in addition to, and not in derogation of any other written law relating to the accreditation and quality assurance.

Provisions of
this Act to
prevail over
other written
law.

25

30

Every Higher Educational Institution to apply for accreditation.

activities as an accredited Higher Educational Institution in such form and manner accompanied by such fees as may be prescribed by regulations:

Provided however—

- 5 (a) all universities established or deemed to have been established under the Universities Act, No.16 of 1978 and by an Act of Parliament existing on the day immediately before the date of coming into operation of this Act; and
- 10 (b) all Higher Educational Institutions which were granted degree awarding status under section 25 of the Universities Act, No. 16 of 1978 on the day immediately before the date of coming into operation of this Act,
- 15 shall be deemed to have been granted full accreditation under this Act, for a period of five years from the date on which this Act comes into operation.

(2) It shall be the duty of the Chief Executive Officer, the Principal Executive Officer or the Principal Administrative Officer as the case may be, of a Higher Educational Institution to apply to the Commission for such accreditation.

12. (1) A New Higher Educational Institution prior to its establishment shall apply to the Commission for an initial clearance to commence physical infrastructure in such form and manner together with such documents and fees as may be prescribed by regulations before commencing any operation.

Issue of initial clearance to a new Higher Educational Institution.

(2) Upon receipt of the application under subsection (1) and upon being satisfied that the Higher Educational Institution has fulfilled the requirements prescribed by regulations relating to the grant of a certificate of initial

14 *Higher Education*
(*Quality Assurance and Accreditation*)

clearance, and where the Commission is of the opinion that the establishment of such institution is in the public interest and for the public benefit, the Commission may, within a period of six months from the date of such application, grant
5 a certificate of initial clearance for a period of five years subject to such terms and conditions:

Provided however, where such institution intends to offer professional programme, the Commission shall, prior to the grant of the certificate of initial clearance consult the relevant
10 professional or statutory or regulatory body.

(3) Where a relevant professional or statutory or regulatory body is consulted by the Commission, notwithstanding the provisions of any other written law, it shall be the duty of such body to co-operate in respect of matters relating to the
15 grant of initial clearance.

(4) The Commission may—

- (a) refuse to grant the certificate of initial clearance where the Higher Educational Institution fails to fulfill the criteria for the grant of initial
20 clearance prescribed by regulations;
- (b) revoke the certificate of initial clearance where there is no progress in the establishment of the Higher Educational Institution within a period of five years; and
- 25 (c) revoke the certificate of initial clearance where the Higher Educational Institution fails to commence operations within a period of five years.

(5) The Commission may, in the case of a refusal or
30 revocation of the certificate of initial clearance referred to in subsection (4), require the Higher Educational Institution to take such steps to rectify such failure within a period of three years.

13. (1) A new Higher Educational Institution shall apply for accreditation of such institution under section 11 within a period of five years from the receipt of the certificate of initial clearance prior to the enrollment of students.

Accreditation of a new Higher Educational Institution or an existing Higher Educational Institution.

5 (2) A Higher Educational Institution referred to in the proviso to section 11, shall, after the lapse of a period of five years from the date on which this Act comes into operation, apply for accreditation of such institution under section 11.

10 (3) Where a Higher Educational Institution existing on the day immediately preceding the date of coming into operation of this Act other than the Higher Educational Institutions referred to in the *proviso* to section 11–

15 (a) if the institution is in existence for more than five years such institution shall apply for accreditation within a period of two years; or

 (b) if the institution is in existence for less than five years shall apply for accreditation before it completes seven years of existence,

under section 11.

20 (4) The Commission may–

 (a) grant a certificate of provisional accreditation or full accreditation to such institution subject to such conditions determined by the Commission; or

25 (b) require such Higher Educational Institution to take such steps to rectify the problems identified in the report of the Panel of Quality Auditors referred to in section 31 within such period, as may be determined by the Commission for the purpose of granting accreditation; or

30 (c) refuse to grant a certificate of provisional or full accreditation for reasons assigned.

16 *Higher Education*
(*Quality Assurance and Accreditation*)

(5) The Commission shall, for the purposes of subsection
(4) consider—

- 5 (a) the report of the Panel of Quality Auditors together with the Higher Educational institution's compliance with the prescribed Accreditation and Quality Assurance criteria relating to the granting of a certificate of provisional or full accreditation for the Institutional Audit of such Higher Educational Institution;
- 10 (b) the recommendation of the relevant foreign authority, in the case of any Higher Educational Institution established under any written law and affiliated to a foreign Higher Educational Institution in relation to the institutional Audit of such Higher
- 15 Educational Institution.

14. (1) A new Higher Educational Institution shall apply for accreditation for each of its programmes, under section 11 within a period of five years from the receipt of the certificate of initial clearance.

Accreditation of programmes in a new or an existing Higher Educational Institution.

- 20 (2) A Higher Educational Institution referred to in the proviso to section 11, shall, after the lapse of a period of five years from the date on which this Act comes into operation, apply for accreditation of its programmes under section 11.

- 25 (3) Where a Higher Educational Institution existing on the day immediately preceding the date of coming into operation of this Act other than the Higher Educational Institutions referred to in the proviso to section 11—

- 30 (a) if the institution is in existence for more than five years such institution shall apply for accreditation of its programmes within a period of two years ; or
- (b) if the institution is in existence for less than five years shall apply for accreditation of its programmes before it completes seven years of existence,

under section 11.

(4) The Commission may, subject to the provisions of subsection (5)–

- 5 (a) grant a certificate of provisional or full accreditation to such programme subject to such conditions determined by the Commission;
- 10 (b) grant a certificate of provisional or full accreditation to such programme if the problems identified in the report of the Panel of Quality Auditors are rectified within such period, as may be determined by the Commission;
- 15 (c) grant a certificate of provisional or full accreditation to such professional programmes or qualification if the deficiencies identified in that recommendations of the relevant professional or statutory or regulatory body made under section 15(4) are rectified within such period as may be specified in the said recommendations or with any extended time period as the case may be;
- 20 (d) refuse to grant a certificate of provisional full accreditation for reasons assigned.

(5) For the purpose of subsection (4), the Commission shall consider–

- 25 (a) the report of the Panel of Quality Auditors relating to that programme, and the recommendation of the relevant professional or statutory or regulatory body under section 15 in the case of professional programmes; and
- 30 (b) recommendations of the relevant foreign Authority in the case of foreign programmes granted by any Higher Educational Institution established under any written law and affiliated to a foreign Higher Educational Institutions.

15. (1) Notwithstanding the provisions of any other written law, a Higher Educational Institution shall apply to the Commission under section 14 for the grant of accreditation of professional programmes local or foreign which such Higher Educational Institution intends to offer.

Local or
Foreign
Professional
programmes.

(2) Upon the receipt of an application referred to in subsection (1) the Commission shall, within a period of fourteen days from the date of receipt of such application from the Higher Educational Institution, make a written request to the relevant professional or statutory or regulatory body to make recommendations within such period as may be specified in such request for the purpose of making recommendations.

(3) Where the relevant professional or statutory or regulatory body receives a request from the Commission, such professional or statutory or regulatory body shall make recommendations to the Commission whether such professional programme is in compliance with the minimum standards specified for such professional programme within such period as may be specified by the Commission along with certificates if any, issued by such professional or statutory or regulatory body.

(4) Where a relevant professional or statutory or regulatory body makes recommendations to refuse the grant of accreditation to a Higher Educational Institution, such recommendations shall include any measures to rectify such deficiency within the period specified in such request referred to in subsection (2).

(5) The Commission shall forward the recommendations received under subsection (4) to the Higher Educational Institution referred to in subsection (1) for taking of remedial measures for rectification and report back to the Commission within a period to be specified by the Commission.

(6) Where the Higher Educational Institution referred to in subsection (5) requires an extension to the period for rectification, such request may be made in writing to the Commission and the Commission in consultation with the
5 relevant professional or statutory or regulatory body may grant an extension of time in respect of such request.

(7) Where a relevant professional or statutory or regulatory body directly receives a request from a Higher Educational Institution, such professional or statutory or regulatory body
10 shall inform the Commission forthwith from the date of receipt of such request, for the purposes of this Act.

(8) Notwithstanding the provisions of any other written law, where the Commission requests a relevant professional or statutory or regulatory body to make recommendations, it
15 shall be the duty of such body to cooperate with the Commission in respect of matters relating to the grant of accreditation.

(9) The Commission shall, for the purpose of granting accreditation to a professional programme under this Act,
20 take into consideration the recommendations made by the relevant professional or statutory or regulatory body.

16. (1) The certificate of provisional accreditation of an Institution or Programme shall be in force for a period of five years from the date of the issue of such certificate.

Certificate of provisional accreditation.

25 (2) The certificate of provisional accreditation shall include such details relating to provisional accreditation granted to such institution or programme as specified by the Commission.

(3) The holder of the certificate of provisional
30 accreditation shall be required to—

(a) submit periodic reports to the Commission of its activities from time to time as may be required by the Commission for the purpose of determining whether full accreditation shall be granted to such
35 Institution or Programme; and

20 *Higher Education*
(*Quality Assurance and Accreditation*)

- (b) display the certificate in a conspicuous place on its premises for public information.

5 **17.** (1) A Higher Educational Institution holding a certificate of provisional accreditation shall apply to the Commission for the full accreditation of the institution or of its programme as the case may be in such form and manner and within such period as may be prescribed by regulations.

Conversion from provisional accreditation to full accreditation.

(2) The Commission may, upon the report of the Panel of Quality Auditors—

- 10 (a) grant full accreditation to such institution or to such programme or both upon such conditions as may be determined by the Commission; or
- (b) may extend the period of provisional accreditation up to a maximum period of ten years to rectify any problems identified in the report of the Panel of Quality Auditors; or
- 15 (c) refuse the application for reasons assigned.

(3) Where such institution intends to offer a professional programme, the Commission shall, make a written request as referred to in section 15 to the relevant professional or statutory or regulatory body to make recommendations for the purpose of subsection (2).

20

(4) Where a Higher Educational Institution or a programme is granted full accreditation, such institution or such programme shall undergo institutional audit and programme review within every five years.

25

18. (1) Where a Higher Educational Institution fails to obtain full accreditation within a period of ten years from the date of the certificate of provisional accreditation, the Commission may cancel the certificate of provisional accreditation and direct such institution—

30

Cancellation of provisional accreditation.

- (a) in the case of a Higher Education Institution, to cease its activities; or

- (b) in the case of a programme either to cease conducting such programme or to cease granting such programme.

(2) The Commission shall, before cancelling a certificate
5 of provisional accreditation –

- (a) to inform the Chief Executive Officer, the Principal Executive Officer or the Principal Administrative Officer as the case may be, of a Higher Educational Institution by written communication of its intention
10 to cancel the certificate of provisional accreditation specifying the grounds for such cancellation;
- (b) afford an opportunity to the persons referred to in paragraph (a) to make written representations within
15 thirty days from the date of such written communication to a committee appointed under subsection (3).

(3) The Minister shall appoint a committee comprising such members who are not members of the panel of quality
auditors to consider the representations made under
20 subsection (2).

(4) The committee shall, after considering the written representations under subsection (2) make recommendations to the Commission –

- (a) to cancel the certificate of provisional accreditation
25 under subsection (1); or
- (b) to direct such institution or persons to take such remedial measures to obtain full accreditation within such period as may be specified.

(5) The Commission shall give effect to the
30 recommendations made by the Committee.

(6) Where a Higher Educational Institution fails to obtain full accreditation within the period specified under paragraph (b) of subsection (4), the Commission shall take such steps to cancel the provisional accreditation of such institution.

5 (7) Where a Higher Educational Institution ceases its activities under subsection (1), the Commission shall direct such institution to take such measures as the Commission may deem necessary to provide adequate opportunities to students to ensure the continuity of their studies or to appoint
10 competent authority to safe guard the interests of the students.

(8) Where a Higher Educational Institution has ceased its activities under subsection (1), the Commission shall publish a notice of such cancellation on its website and at least in one each of Sinhala, Tamil and English daily newspapers
15 circulating in Sri Lanka.

19. The Commission shall, for the purposes of this Act, in the manner prescribed, recognize a professional or statutory or regulatory body established for the purpose of regulating a profession or an occupation.

Recognition of relevant professional or statutory or regulatory body.

20 **20.** (1) The Commission shall cause to publish the names of the institutions in respect of which the certificates of provisional or full accreditation have been granted on its website or at least in one each of Sinhala, Tamil and English daily newspapers circulating in Sri Lanka.

Effect of the Certificate of provisional or full accreditation.

25 (2) The Certificate of accreditation shall be evidence of the fact that the institution or programme shall be an institution or a programme provisionally or fully accredited by the Commission.

30 **21.** (1) The Commission shall cause to establish and maintain a register, in such form as may be prescribed for the purpose of entering the details of accredited Higher Educational Institutions.

Register of the Accredited Higher Educational Institutions.

(2) The register referred to in subsection (1), shall be available for public inspection at such times upon payment
30 of such fees as may be prescribed.

22. Where an accredited Higher Educational Institution intends to—

Prior approval for change of structure of an Higher Educational Institution ect.

- (a) change its institutional structure by amalgamating with another institution; or
- 5 (b) change its programmes; or
- (c) effect change in any other area of operation,

subject to section 15, it shall obtain the written approval of the Commission prior to such proposed change.

23. (1) The Commission may, suspend or revoke the

10 Certificate of full accreditation where a Higher Educational Institution—

Suspension or revocation of the certificate of full accreditation.

- (a) being wound up or otherwise dissolved; or
- (b) violates any term or condition of the certificate of full accreditation or any regulation made under this
- 15 Act; or
- (c) upon an order made under section 49 (2); or
- (d) has provided false information to the Commission for the purpose of obtaining accreditation; or
- (e) has ceased to exist.

20 (2) The Commission shall, before such suspension or revocation-

- 5 (a) inform the Chief Executive Officer, the Principal Executive Officer or the Principal Administrative Officer as the case may be, of a Higher Educational Institution by notice of its intention to suspend or revoke the certificate of full accreditation specifying the grounds for such suspension or revocation;
- 10 (b) afford an opportunity to the persons referred to in paragraph (a) to make written representations within thirty days from the date of such written communication to the Commission.
- 15 (3) Where a Higher Educational Institution makes representations within the specified period referred to in subsection (2), the Commission may, after considering the reasons provided and hearing the Higher Educational Institution may either –
- (a) withdraw the notice of suspension or revocation of the full accreditation; or
- (b) suspend or revoke the full accreditation.
- 20 (4) In the event of suspension or revocation of full accreditation, the Higher Educational Institution concerned shall be notified forthwith of such suspension or such revocation and such suspension or such revocation shall take effect from the date of such notification.
- 25 (5) Where a certificate of full accreditation is suspended or revoked, the Commission shall publish a notice of such suspension or revocation on its website or at least in one each of Sinhala, Tamil and English daily newspapers circulating in Sri Lanka.
- 30 (6) Where a certificate of full accreditation is suspended or revoked, the Commission shall require such institution to take such measures to provide adequate opportunities to students to continue their studies or to appoint a competent authority to safeguard the interests of the students.

Higher Education
(Quality Assurance and Accreditation)

25

24. (1) If any Higher Educational Institution without obtaining accreditation in accordance with the provisions of this Act or any regulation made thereunder -

Pretending to be an accredited Higher Educational Institution under the Act to be an offence.

- 5 (a) advertises in any manner misleading the general public as to the fact that such institution or its programmes are accredited by the Commission; or
- 10 (b) offers or conducts any course of study, programme or qualification and admits students to courses of study, programmes or qualifications pretending to be an accredited institution; or
- (c) confers any degree or award any diploma, certificate or other academic distinction; or
- (d) uses the logo of the Commission in an improper manner,

15 such Higher Educational Institution commits an offence under this Act.

 (2) No institution other than a Higher Educational Institution accredited under this Act shall, confer any degree or award any diploma, certificate or other academic
20 distinction to any person.

 (3) Where an offence under subsection (1) or (2), is committed by a Higher Educational Institution the Chief Executive Officer, the Principal Executive Officer or the Chief Administrative Officer as the case may be, shall be
25 liable on conviction after trial by a Magistrate to a fine not exceeding one hundred thousand rupees or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

- 25.** (1) The Commission shall appoint such number of quality audit panels and standing committees consisting of persons possessing specialized qualifications including qualifications in quality assurance, for the purpose of assisting the Commission in carrying out institutional and programme audits and external quality assurance reviews based on the criteria prescribed by regulations.
- (2) In every standing committee the Chairman of the Commission shall be a full time member.
- (3) The members of the quality audit panels appointed under subsection (1) may be paid out of the Fund of the Commission and such allowance as the Commission may determine with the concurrence of the Minister to whom the subject of finance is assigned.
- 26.** (1) The Commission may from time to time appoint experts or such number of committees as it considers appropriate, for any purpose which in the opinion of the Commission, could be more expeditiously carried out or managed by means of the appointment of any such expert or committee.
- (2) The Commission shall define and specify the terms of reference of each such person or committee appointed under subsection (1), and where necessary may dismiss any person or dissolve any committee so appointed.
- (3) Subject to the provisions of this Act, each committee appointed under subsection (1) of this section may regulate its procedure in regard to its meetings and the transaction of business at such meetings.
- (4) The members of any committee appointed under subsection (1), may be paid out of the Fund of the Commission and such allowance as the Commission may determine with the concurrence of the Minister to whom the subject of Finance is assigned.

Appointment
of quality
audit panels,
standing
committees,
etc.

Appointment
of Experts or
Committees
by the
Commission.

Higher Education
(Quality Assurance and Accreditation)

27

27. (1) The Commission shall establish such number of divisions including two functional divisions namely-

Establishment
of divisions
of the
Commission.

(a) Sri Lanka Qualifications Framework Division; and

5 (b) Sri Lanka Quality Assurance and Accreditation Division.

(2) Each division shall consist of such number of persons appointed by the Commission.

10 (3) The Commission may from time to time request in writing, the divisions referred to in subsection (1), to give its technical advice on any matter specified in the request within such time as shall be stated therein, and it shall be the duty of such division, to give its advice on such matter within the time specified.

15 **28.** The Functions of the Sri Lanka Qualifications Framework Division shall be to -

Functions of
the Sri Lanka
Qualifications
Framework
Division.

(a) update the Sri Lanka Qualifications Framework and to make necessary recommendations to the Commission in regard to its implementation;

20 (b) evaluate and recommend to the Commission, the foreign degrees, diplomas and other academic distinctions and the relevant Sri Lanka Qualifications Framework (SLQF) levels for recognition;

25 (c) recommend to the Commission the formulation of rules with respect to -

(i) levels and nomenclature of qualifications required and of the awards granted by Higher Educational Institutions; and

Higher Education
(*Quality Assurance and Accreditation*)

- (ii) qualification descriptors and level descriptors as per the Sri Lanka Qualifications Framework (SLQF).

- (d) make such recommendations to the Commission to facilitate mobility and progression within the Higher Educational Sector and Tertiary and Vocational Education Sector and recommend career pathways;

- (e) make recommendations to the Commission based on comparison of qualifications offered by different Higher Educational Institutions;

- (f) determine in consultation with relevant professional or statutory or regulatory body where necessary the minimum academic standards to be maintained by Higher Educational Institutions, including standards relating to teachers and other academic staff members employed by such institutions, programmes and courses of study offered, examinations, equipment and other facilities to be made available to students at such institutions;

- (g) determine the nature of training provided in programmes and courses of study conducted by the Higher Educational Institutions for the purpose of granting degrees, diplomas and other academic distinctions;

- (h) determine the format and language of transcripts of the awards granted by the Higher Educational Institutions; and

- (i) share every relevant information with Quality Assurance and Accreditation Division to facilitate the function of that division.

29. The functions of the Quality Assurance and Accreditation division shall be to -

Functions of
the Quality
Assurance
and
Accreditation
division.

- 5 (a) recommend to the Commission on the formulation of rules with respect to the minimum academic standards in consultation with the professional or statutory or regulatory body where necessary, to be maintained by Higher Educational Institutions, including standards relating to the programmes and courses of study offered, quality of education
- 10 provided and examinations conducted by Higher Educational Institutions for the purpose of awarding of degrees, diplomas and other academic distinctions;
- 15 (b) assess and recommend to the Commission, criteria and standards relating to the quality of staff, equipment, teaching resources and other facilities required to be provided by any Higher Educational Institution;
- 20 (c) evaluate from time to time through an external peer review process the quality and grade of all Higher Educational Institutions and report on the same to the Commission;
- 25 (d) make recommendations to the Commission on criteria and standards required to be taken by a Higher Educational Institution that has not reached the required standard for the purpose of accreditation;
- (e) share every relevant information with the Qualification Framework division.

30. (1) The Head of the Quality Assurance and Accreditation division shall with the prior approval of the Commission –

Appointment
of Panel of
Quality
Auditors.

- 5 (a) appoint persons possessing prescribed qualifications as Auditors from panel of Quality Auditors for the purpose of carrying out the functions of external quality audits including the audits of the Sri Lanka Qualifications Framework (SLQF), after such training as the Commission may
- 10 deem appropriate, under this Act; and
- (b) determine the procedures necessary for the functioning of any particular assignment assigned to Quality Auditors referred to in paragraph (a).

15 (2) For the purpose of carrying out the function of external quality audits relating to programmes, one third of the Quality Auditors required to carry out such audit shall be nominated by the relevant professional or statutory or regulatory body.

20 (3) Every person appointed as an auditor shall be issued with a letter of appointment by the Head of the Quality Assurance division.

25 (4) A person who has been appointed as a Quality Auditor under this section may be paid out of the Fund of the Commission, and such remuneration or allowances in respect of any assignments carried out by him or her, at such rates as may be determined by the Quality Assurance Division with the concurrence of the Commission.

- 5 **31.** (1) A panel of Quality Auditors authorized in writing by the Commission, after giving not less than two weeks notice in writing, shall enter a Higher Educational Institution and makes such examination, investigation or inquiry for the purpose of conducting an audit to ascertain -
- 10 (a) whether the programmes and courses of study provided by such Higher Educational Institution leading to the grant or conferment of a relevant qualification conform to the prescribed minimum standards;
- 15 (b) whether the degree of proficiency required at examinations held by a Higher Educational Institution for the purpose of granting or conferring any such qualifications are of the required standard;
- 20 (c) whether the institution, staff, equipment, infrastructure and other facilities provided by a Higher Educational Institution for such programmes conform to the prescribed minimum standards; and
- (d) whether the governance, management and financial viability of the Higher Educational Institution are conducive to operate, such Institution.
- 25 (2) Notwithstanding the provisions of subsection (1), a Higher Educational Institution shall provide the relevant panel of quality auditors with a self evaluating report prior to the visit of the panel of quality auditors to such institution.
- 30 (3) Where the panel of Quality Auditors authorized by the Commission under subsection (1) makes any such examination, investigation or inquiry for the purpose of conducting an audit under that subsection, the panel shall make a report of its findings and any recommendations if any to the Commission.

Power of
Quality
Auditors
authorized
by the
Commission
to enter
Higher
Educational
Institutions.

Higher Education
(*Quality Assurance and Accreditation*)

(4) Every panel of the Quality Auditors authorized by the Commission under subsection (1), shall exercise the powers conferred on such panel of Quality Auditors by that subsection.

- 5 (5) No person shall obstruct or resist any Quality Auditor of the panel in the exercise of any powers conferred on the Quality Auditor under subsections (1) and (2).

PART III

STAFF OF THE COMMISSION

- 10 **32.** (1) The Commission shall appoint such officers and employees to the staff of the Commission as it considers necessary for the efficient discharge of the functions of the Commission. Staff of the Commission.

- 15 (2) The Commission shall appoint a person who has high level of management and working experience and experience in the field of Quality Assurance and the Sri Lanka Qualification Framework (SLQF) as the Secretary to the Commission.

- 20 (3) The Secretary referred to in subsection (2), shall be a full time officer and shall be responsible for the custody of the records and the property of the Commission, and shall also be the Assistant Accounting Officer.

- 25 (4) Subject to the provisions of subsection (1), the Commission shall appoint a financial controller who shall be a full time officer.

- 30 (5) The financial controller shall, subject to the direction and control of the Secretary, be responsible for the administration of the finance of the Commission, and maintain its accounts in such form and manner as may be prescribed by regulations and shall have the custody of the funds of the Commission.

33. (1) At the request of the Commission any officer in public service may, with the consent of that officer and the public service Commission is assigned be temporarily appointed to the staff of the Commission for such period as
5 may be determined by the Commission or with the like consent be permanently appointed to such staff.

Appointment
of public
officers to
the
Commission

(2) Where any officer in the public service is temporarily appointed to the staff of the Commission, the provisions of subsection (2) of section 14 of the National
10 Transport Commission Act, No. 37 of 1991, shall *mutatis mutandis*, apply to and in relation to him.

(3) Where any officer in the public service is permanently appointed to the staff of the Commission, the provisions of subsection (3) of section 14 of the National
15 Transport Commission Act, No. 37 of 1991, shall *mutatis mutandis*, apply to and in relation to him.

(4) Where the Commission employs a person who has agreed to serve the Commission for a specified period under an agreement, any period of service to the Commission by
20 that person shall be regarded as service to the Government for the purpose of discharging the obligations under such agreement.

34. The Chairman and other members of the Commission shall be paid such remuneration and allowances
25 out of the Fund of the Commission at such rates as the Minister may determine with the concurrence of the Minister to whom the subject of Finance is assigned.

Remuneration
of members
of the
Commission.

34

Higher Education
(*Quality Assurance and Accreditation*)

35. (1) The seal of the Commission –

Seal of the
Commission.

- (a) shall be in the custody of the Secretary;
- (b) may be altered in such manner as may be determined by the Commission; and

5

- (c) shall not be affixed to any instrument or document except in the presence of the Secretary and any member of the Commission, both of whom shall sign instrument or document in token of their presence.

10

(2) The Commission shall maintain a register of the instruments or documents to which the seal of the Commission is affixed.

15

36. The provisions of the Establishment Code and any circulars issued by the Government relating to disciplinary matters and regulations made under this Act, shall apply to and in relation to disciplinary control of the staff of the Commission, to the extent as is necessary.

Disciplinary
control of the
staff of the
Commission.

20

37. (1) The Commission may subject to such conditions as may be specified in writing, delegate to the Chairman or any member or to any other officer of the Commission any of its powers, functions or duties under this Act, and the Chairman or such other member or the officer shall exercise, perform or discharge such power, function or duty subject to any special or general directions issued by the Commission.

Delegation of
Power

25

(2) Notwithstanding any delegation made under subsection (1), the Commission may exercise, perform or discharge any such power, function or duty so delegated.

PART IV

FINANCIAL PROVISION

38. (1) The Commission shall have its own Fund. Fund of the Commission.
- 5 (2) There shall be paid into the Fund of the Commission-
- (a) all such sums of money as may be voted from time to time by Parliament for the use of the Commission;
- 10 (b) all such sums as may be received by the Commission by way of donations, gifts or grants from any source whatsoever;
- (c) all such sums as may be received by the Commission as fees charged for:
- 15 (i) the Accreditation and Quality Assurance of Higher Educational Institutions;
- (ii) the issue and renewal of certificates of accreditation to Higher Educational Institutions; and
- (iii) any other service rendered by the Commission under this Act;
- 20 (3) There shall be paid out of the Fund of the Commission -
- 25 (a) all sums of money required to defray all expenditure incurred by the Commission in the exercise, performance and discharge of its powers, duties and functions under this Act or any other written law; and
- (b) any other expense which is authorized or required to be paid out of the Fund by or under this part of this Act.

39. (1) The financial year of the Commission shall be the calendar year.

Financial
year and
Audit of
Accounts.

(2) The Commission shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other transactions of the Commission and shall be kept at the office of the Commission.

(3) The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations shall apply to and in relation to the audit of the accounts of the Commission.

(4) The provisions of part II of the Finance Act, No. 38 of 1971, shall *mutatis mutandis*, apply to and in respect of the financial control and accounts of the Commission.

(5) The Commission shall have its accounts audited each year by the Auditor-General. For the purpose of assisting him in the audit of such accounts, the Auditor-General may employ the services of any qualified auditor or auditors who shall act under his direction and control.

(6) For the purpose of meeting the expenditure incurred by him in auditing the accounts of the Commission, the Auditor-General shall be paid from the Fund of the Commission such remuneration as the Minister may, with the concurrence of the Minister to whom the subject of Finance is assigned determined. Any remuneration received from the Commission by the Auditor-General shall, after deducting any sums paid by him to any qualified auditor employed by him for the purpose of such audit, be credited to the Consolidated Fund.

(7) For the purpose of this section, the expression “qualified auditor” means –

- 5 (a) an individual who, being a member of the Institute of Chartered Accountants of Sri Lanka or of any other Institute established by law, possesses a certificate to practice as an Accountant issued by the Commission of such Institute; or
- 10 (b) a firm of Accountants each of the resident partners of which being a member of the Institute of Chartered Accountants of Sri Lanka or of any other Institute established by law, possesses a certificate to practice as an Accountant issued by the Commission of such Institute.
- (8) The Auditor-General shall examine the accounts of the Commission and furnish a report –
- 15 (a) stating whether he has or has not obtained all the information and explanations required by him;
- (b) stating whether the accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the financial position of that Commission; and
- 20 (c) drawing attention to any item in the accounts which in his opinion may be of interest to Parliament in any examination of the activities and accounts of that Commission.
- 25 (9) The Auditor-General shall transmit his report to the Commission.
- (10) The Auditor-General's report referred to in subsection (9), shall be considered by the Commission and the Commission shall, within three months of the transmission of such report to the Commission, inform the
- 30 Auditor-General of the steps taken or proposed to be taken with regard to the matters pointed out in such report.
- (11) The statement of accounts to which the report relates, transmit to the Minister who shall cause copies thereof to be tabled in Parliament, before the end of the year next
- 35 succeeding the year to which such accounts and report relate, and the Chairman of the Commission shall attend and answer any questions arising there from before the Public Accounts Committee of Parliament.

40. The Commission shall cause to prepare a budget in respect of each financial year which shall be approved by the Commission not later than three months prior to the commencement of the financial year to which the budget relates.

Annual
budget of the
Commission.

41. The Commission may with the consent of the Minister given in concurrence with the Minister to whom the subject of finance is assigned borrow temporarily by way of overdraft or otherwise, such sums of money as the Commission may require for defraying any expenditure incurred by it in the exercise, performance and discharge of its powers, duties and functions under this Act:

Power to
borrow.

Provided that, the aggregate of the amounts outstanding in respect of any loans raised by the Commission under this section, shall not exceed such sum as may be determined by the Minister in consultation with the Minister to whom the subject of Finance is assigned.

42. The Commission may invest its money in such manner as the Commission may determine or use any immovable property that is in its possession as collateral for the purpose of satisfying any liabilities incurred by it, in accordance with such directions that may be issued by the Minister to whom the subject of Finance is assigned for that purpose.

Investment
of money of
the
Commission.

PART V

GENERAL

43. (1) No liability, whether civil or criminal, shall attach to any member or officer of the Commission or to any officer authorized by such member or officer, for anything which in good faith is done in the performance or exercise of any function or power imposed or assigned to the Commission under this Act.

Protection of
members and
officers of
the
Commission
from suit or
prosecution.

(2) Any expense incurred by the Commission in any suit or prosecution brought by or against the Commission before any court shall be paid out of the Fund of the Commission, and any costs paid to, or recovered by, the Commission in any such suit or prosecution shall be credited to that Fund.

- (3) Any expense incurred by any such person as is referred to in subsection (2), in any suit or prosecution brought against him before any court in respect of any act which is done or purported to be done by him under this Act or any appropriate instrument, or on the direction of the Commission, shall, if the court holds that the act was done in good faith, be paid out of the fund of the Commission, unless such expense is recovered by him in such suit or prosecution.
- 10 **44.** (1) The Commission shall establish an information center for the purpose of –
- Establishment
of an
information
center.
- 15 (a) providing information relating to accreditation and quality assurance including the provision of a list of recognized or accredited Higher Educational Institutions public, private, local and foreign, within and outside Sri Lanka by the Commission, different types of qualifications and the requirements for gaining access to each type of institution and programme;
- 20 (b) offering advice to students on issues relating to access into higher educational institutions and programmes.
- 25 (2) The Commission shall ensure the provision of relevant, accurate, and updated information in order to facilitate the recognition of qualifications concerning higher education.
- (3) For the purpose of this section the Commission shall make available the register referred to in subsection (2) of section 21 for public information.
- 30 **45.** (1) The Commission shall have the exclusive right to the use of such symbol, design or representation as the Commission may select or devise and thereafter display or exhibit any symbol, design or representation so selected or devised.
- Symbol,
design or
representation
of the
Commission.

(2) Any person who, without prior written approval of the Commission use a symbol, design or representation selected or devised by the Commission under subsection (1) or use any symbol, design or representation which is identical with any symbol, design or representation selected or devised by the Commission or which so resembles any such symbol, design or representation so as to deceive or cause confusion or which is likely to deceive or to cause confusion, shall be guilty of an offence under this Act and shall be liable on conviction after trial by a Magistrate to a fine not exceeding two hundred thousand rupees or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

46. All members of the Commission, officers and employees shall be deemed to be public servants within the meaning and for the purposes of Penal Code (Chapter 19).

All members of the Commission deemed to be public servants for the purposes of Penal Code.

47. The Commission shall be deemed to be a scheduled institution within the meaning of the Bribery Act, (Chapter 26) and the provisions of the Act shall be construed accordingly.

Commission deemed to be a scheduled institution for purposes of Bribery Act .

48. The Minister may from time to time, convey relevant directions taken by the Cabinet of Ministers in connection with the exercise, performance and discharge of its powers, duties and functions under this Act or under any other written law and it shall be the duty of the Commission to give effect to such directions.

Directions of Cabinet of Ministers.

49. (1) Any person who contravenes any provision of this Act or any rule or regulation made thereunder, or any requirement imposed under any provision of this Act or any decision, direction, order or determination of the Commission, shall be guilty of an offence under this Act and shall, except as otherwise expressly provided in this

General Penalty.

Act, be liable, on conviction after summary trial by a Magistrate to a fine not less than two hundred thousand rupees or to imprisonment for a term not less than two years or to both such fine and imprisonment.

5 (2) Upon conviction of any person for an offence under this Act, a Magistrate may, in addition to or in lieu of imposing any punishment prescribed for the offence, make an Order directing to revoke the status granted under Part II prior to a date specified in the Order.

10 (3) Notwithstanding anything contrary to the provisions contained in subsection (1), no prosecution for an offence under this Act, shall be instituted except with the written sanction of the Commission.

15 **50.** Where an offence under this Act or any rule or regulation made thereunder is committed by a body of persons, then if that body of persons is:-
Offences committed by a body corporate or a partnership.

20 (a) a body corporate, every director and officer of such body corporate including the Chief Executive Officer, the Principal Executive Officer or the Chief Administrative Officer as the case may be of that body corporate; or

 (b) is a partnership, every partner of such partnership,

shall be guilty of that offence:

25 Provided that, a director or an officer or Chief Executive Officer, the Principal Executive Officer or the Chief Administrative Officer of a body corporate or a partner of a partnership, as the case may be, shall not be deemed to be guilty of such offence, if he proves to the satisfaction of the court that such offence was committed without his
30 knowledge or that he exercised all due diligence as was necessary, to prevent the commission of such offence.

51. The Commission may make rules in respect of— Rules.

- (a) the appointment, employment and dismissal of various officers to the Quality Audit Panels and their powers, functions and conduct and the payment of remuneration;
- (b) the procedure to be observed at the summoning and holding of meetings, Annual General Meeting and extra ordinary meetings of the Commission;
- (c) the management of the affairs of the Commission;
- (d) the use of government logo and symbol of the Commission by an accredited Higher Educational Institutions;
- (e) all matters in respect of which, rules are required or authorized to be made under this Act.

52. (1) The Minister may make regulations with the concurrence of the Commission in respect of any matter required by this Act, to be prescribed or in respect of which regulations are authorized by this Act to be made. Regulations.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister with the concurrence of the Commission may make regulations in respect of all or any of the following matters -

- (a) determination of the Sri Lanka Qualification Framework (SLQF);
- (b) the assessment and evaluation of the quality and standards including minimum standards of education issued by a professional or statutory or regulatory body, and academic standards of education of Higher Educational Institutions or

programmes for the purpose of granting provisional or full accreditation to such institutions or programmes;

- 5 (c) evaluate foreign degrees, diplomas and other academic distinctions for the purpose of recognition of such degrees, diplomas and other academic distinctions;
- (d) the form, manner, criteria, time periods and other guidelines for the purpose of applying for or granting of provisional or full accreditation;
- 10 (e) applications for accreditation, certificates and other documents required to be prescribed under this Act;
- (f) fees and charges levied for any service under this Act;
- 15 (g) the form, manner and criteria for the grant of initial clearance; and
- (h) the manner and the mode of recognizing the professional, statutory or regulatory body.

(3) Every regulation made under subsection (1), shall be published in the *Gazette* and shall come into operation
20 on the date of such publication or on such later date as may be specified in such regulation.

(4) Every regulation made under subsection (1), shall within three months after its publication in the *Gazette* be brought before Parliament for approval and any regulation
25 which is not so approved shall be deemed to be rescinded with effect from the date of such disapproval, but without prejudice to anything previously done thereunder.

(5) Any regulation made by the Minister with concurrence of the Commission may at any time, be
30 amended, added to, varied or rescinded by a like regulation.

53. Every person appointed under the authority of this Act shall, before entering upon his duties, sign a declaration pledging himself to observe strict secrecy in respect of any information, which may come to his knowledge in the exercise, performance and discharge of his powers, duties and functions under this Act, shall by such declaration pledge himself not to disclose any such information, except-

Official
Secrecy.

- (a) when required to do so by a Court of law; or
- (b) in order to comply with any of the provisions of this Act or any other written law.

54. (1) If any difficulty arises in giving effect to the provisions of this Act or the rules, regulations, or Orders made under this Act, the Minister may by Order published in the *Gazette*, make such provision not inconsistent with the provisions of this Act, or any other written law, as appears to the Minister to be necessary or expedient for removing the difficulty for a period of one year from the date of coming into operation of such Order.

Removal of
difficulties.

(2) Every Order made under this section shall, as soon as practicable after it is made, be laid before Parliament.

PART VI

TRANSITIONAL PROVISIONS

- 55.** (1) Notwithstanding anything to the contrary to any other provision of this Act -
- (a) the rules made under section 137 of the Universities Act, No. 16 of 1978 published in the *Gazette* Extraordinary No.1824/21 dated August 22, 2013 shall continue to be in operation for a period of six months from the date of commencement of this Act;
 - (b) the Sri Lanka Qualifications Framework (SLQF) published by the Ministry of the Minister assigned

Special
provisions
pending the
establishment
of a
Qualifications
Framework
Division and
Quality
Assurance
and
Accreditation
Commission.

the subject of Higher Education on the day immediately before the date of coming into operation of this Act, so far as it is not inconsistent with this Act, shall continue to be in force unless it is amended under this Act;

(c) (i) The University Grants Commission established under the Universities Act, No. 16 of 1978 shall be responsible for the Quality Assurance and Accreditation of the Higher Educational Institutions established or deemed to be established under the Universities Act, No. 16 of 1978 and Institutions recognized under section 25 of the Universities Act, No. 16 of 1978 for a period of six months from the date of establishment of the Commission under section 2 of this Act; and

(ii) After the lapse of the period referred to in paragraph (c) (i), notwithstanding the provisions in the Universities Act, No. 16 of 1978 relating to Quality Assurance and Accreditation functions the Commission shall discharge the functions in relation to Quality Assurance and Accreditation pertaining to Higher Educational Institutions established or deemed to be established under the Universities Act, No. 16 of 1978 and Institutions recognized under section 25 of the Universities Act, No. 16 of 1978;

(d) (i) The Minister in terms of the provisions of section 25A read with section 70C (1) and (2) of the Universities Act, No. 16 of 1978 may recognize any Institution as a Degree Awarding Institution for a period of six months from the date of establishment of the Commission under section 2 of this Act; and

- 5 (ii) After the lapse of the period referred to in paragraph (d) (i) notwithstanding the provisions in section 25A read with section 70C (1) and (2) of the Universities Act, No. 16 of 1978 the Commission shall discharge the functions in relation to Quality Assurance and Accreditation pertaining to such Degree Awarding Institutions.
- 10 (e) (i) The Specified Authority appointed under section 70B read with section 70D of the Universities Act, No. 16 of 1978 shall be responsible for the Quality Assurance and Accreditation of the Degree Awarding Institutions for a period of six months from the date of establishment of the Commission under section 2 of this Act; and
- 15
- 20 (ii) After the lapse of the of the period referred to in paragraph (e) (i), notwithstanding the provisions under section 70B read with section 70D of the Universities Act, No. 16 of 1978, the Commission shall discharge the functions in relation to Quality Assurance and Accreditation pertaining to such Degree Awarding Institutions.
- 25 (f) any activity carried out by the specified Authority other than the activities carried out under paragraph (c)(i) and which was not completed on the day immediately before the date of coming into operation of this Act, shall be completed by the Commission unless it is not inconsistent with the provisions of this Act;
- 30
- 35 (g) all liabilities of the specified Authority existing on the day immediately before the date of coming into operation of this Act, shall be deemed to be the liabilities of the Commission.

(2) For the purposes of paragraphs (c)(i) , (d)(i) and (e)(i) of subsection (1), the Minister may by order published in the *Gazette* extend the period of six months to a further period as may be specified in that order in connection with the preliminary or infrastructure arrangements for the functioning of the Commission:

Provided however, such extension shall not exceed more than one year.

56. In this Act –

Interpretation.

10 “Minister” means the Minister to whom the subject of Higher Education is assigned.

15 “Accreditation” means the granting of official recognition to a Higher Educational Institution or for a specific academic programme conducted by such Institution, leading to the award of certificate, diploma, degree or any other qualification, certifying that institution or programme meet required expected standard and quality;

20 “Higher Education” means any academic study course or other studies beyond the upper-secondary level provided in conventional, open and distance learning modes or blended modes of learning, leading to the award of any certificate, diploma, degree, any other higher qualification or an equivalent thereof;

30 “Higher Educational Institution” means an entity defined under the definition of expression “Higher Educational Institution” in section 147 of the Universities Act, No. 16 of 1978, or Higher Educational Institutes, Centre for Higher Learning established under section 24A of the Universities Act, No. 16 of 1978,

- 5 Institute or College recognized as an Institute or Centre for Higher Learning under section 24B of the Universities Act No. 16 of 1978, Institutes recognized under section 25 of the Universities Act, No. 16 of 1978, Institute recognized as Degree Awarding Institutes under section 25A providing Higher Education, Institutions providing Higher Education established under any Act of Parliament, any other local or foreign Institution providing Higher Education under any written law whether affiliated with a foreign University or Foreign Higher Educational Institutions leading to the award of certificate, diploma, degree or any other qualification;
- 10
- 15
- “President” means the President of the Democratic Socialist Republic of Sri Lanka;
- 20 “certificate of initial clearance” means the certificate issued by the Commission to a Higher Educational Institution prior to establishment of physical infrastructure to commence its operations;
- 25 “prescribed” means prescribed by regulations made under this Act;
- 30 “professional or statutory or regulatory body” means a body of expert practitioners established under any written law for the purpose of determining standards relating to quality assurance and accreditation in any such profession;
- 35 “Programme” means a stand alone approved local or foreign curriculum which leads to the award of qualifications in Sri Lanka Qualifications Framework level 3 and above including professional programme and course of study;

“professional programme” includes an educational programme designed to prepare the student for a specific profession or professional qualification;

5 “relevant professional or statutory or regulatory body” means the professional or statutory or regulatory body local or foreign recognized by the Commission under section 19 of this Act;

10 “Sri Lanka Qualifications Framework” means the National Framework as provided by this Act or any regulation made under this Act;

15 “Specified authority” means any authority appointed under section 70B of the Universities Act, No. 16 of 1978;

“University Grants Commission” means the University Grants Commission established under the Universities Act, No. 16 of 1978.

20 **57.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text
to prevail in
case of
inconsistency

