

Subsidiary Legislation made under ss.46, 49 and 56.

University of Gibraltar (Regulation and Accountability) Regulations 2018

LN.2018/125

		<i>Commencement</i>	31.5.2018
Amending enactments	Relevant current provisions		Commencement date
LN. 2022/333	r. 3(3), Sch.		22.12.2022

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**University of Gibraltar (Regulation and Accountability)
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ARRANGEMENT OF REGULATIONS

Regulation

1. Title and commencement.
2. Designations under the Act.
3. Memorandum of Regulation.

**Powers of Gibraltar Higher Education Commission and the
Gibraltar Authority for Standards in Higher Education**

4. Information Notices.
5. Enforcement Notices.

SCHEDULE

Revoked

In exercise of the powers conferred on him by sections 46, 49 and 56 of the University of Gibraltar Act 2015, the Minister has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the University of Gibraltar (Regulation and Accountability) Regulations 2018 and come into force on the date of publication in the Gazette.

Designations under the Act.

2. The Gibraltar Regulatory Authority, established by section 2 of the Gibraltar Regulatory Authority Act 2000, is designated-

- (a) by order under section 49 of the University of Gibraltar Act 2015 (“the Act”), as the Gibraltar Higher Education Commission, and
- (b) by order under section 46 of the Act, as the Gibraltar Authority for Standards in Higher Education,

for the purposes of the Act.

Memorandum of Regulation.

3.(1) The Gibraltar Regulatory Authority, in its roles as the Gibraltar Higher Education Commission and the Gibraltar Authority for Standards in Higher Education, shall, after consultation with the University of Gibraltar (“the University”), issue a Memorandum of Regulation to the University setting out how-

- (a) the quality and standards of education in the University shall be monitored;
- (b) compliance by the University with its functions, duties and obligations under the Act shall be monitored;
- (c) the use by the University of its funds including any public funds provided to it shall be monitored;
- (d) other aspects of the University’s performance are monitored;
- (e) the University is expected to demonstrate effective governance and accountability; and

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- (f) the University's autonomy and academic freedom are maintained.
- (2) Memoranda issued under sub-regulation (1) may be published in the Gazette and shall be reviewed from time to time in consultation with the University.
- (3) The Gibraltar Regulatory Authority must publish on its website the memorandum that is in force from time to time.

Powers of Gibraltar Higher Education Commission and the Gibraltar Authority for Standards in Higher Education.

Information Notices.

4.(1) The Gibraltar Regulatory Authority, in its role as the Gibraltar Higher Education Commission or the Gibraltar Authority for Standards in Higher Education, may, as is necessary or expedient for the purpose of performing its functions under the Act, by notice in writing (referred to as an "information notice") served on the University, require the University to furnish to it in writing such information as is specified in the information notice within such time specified in the information notice.

(2) Where the Gibraltar Regulatory Authority, in its role as the Gibraltar Higher Education Commission or the Gibraltar Authority for Standards in Higher Education, by reason of special circumstances, is of the opinion that a requirement in the information notice should be complied with urgently it shall include in the information notice—

- (a) a statement to this effect and brief reasons for its opinion;
 - (b) the period within which the requirement must be complied with which must be at least 7 days from the date of service of the information notice.
- (3) No enactment or rule of law prohibiting or restricting the disclosure of information—
- (a) shall preclude the University from furnishing to the Gibraltar Regulatory Authority, in its roles under the Act, any information which is necessary or expedient for the performance by the Gibraltar Regulatory Authority of its functions under the Act;
 - (b) save that (a) does not apply to information which is privileged from disclosure in court proceedings.

(4) In this regulation references to “the Act” include references to any secondary legislation made under the Act, (including these Regulations), and to any Memoranda of Regulation issued in accordance with these regulations.

Enforcement Notices.

5.(1) If the Gibraltar Regulatory Authority, in its role as the Gibraltar Higher Education Commission or the Gibraltar Authority for Standards in Higher Education, is of the opinion that the University has contravened or is contravening a provision of the Act it may, by notice in writing (referred to as an “enforcement notice”) served on the University require it to take such steps to comply with the provision concerned as are specified in the notice, within such time as is specified.

(2) An enforcement notice shall specify any provision of the Act that, in the opinion of the Gibraltar Regulatory Authority, in its role as the Gibraltar Higher Education Commission or the Gibraltar Authority for Standards in Higher Education, has been or is being contravened and the reasons for its having formed that opinion.

(3) Where the Gibraltar Regulatory Authority, in its role as the Gibraltar Higher Education Commission or the Gibraltar Authority for Standards in Higher Education, by reason of special circumstances, is of the opinion that a requirement in the enforcement notice should be complied with urgently it shall include in the enforcement notice—

- (a) a statement to this effect and brief reasons for its opinion; and
- (b) the period within which the requirement must be complied with which must be at least 7 days from the date of service of the enforcement notice.

(4) The Gibraltar Regulatory Authority, in its role as the Gibraltar Higher Education Commission or the Gibraltar Authority for Standards in Higher Education, may cancel an enforcement notice and, if it does so, shall notify the University, in writing, accordingly.

(5) In this regulation references to “the Act” include references to any secondary legislation made under the Act, (including these Regulations), and to any Memoranda of Regulation issued in accordance with these regulations.

SCHEDULE
Revoked