



NATIONAL ASSEMBLY

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Bill 82

An Act to amend the General and Vocational Colleges Act and other legislative provisions

Introduction

**Introduced by
Madam Lucienne Robillard
Minister of Higher Education and Science**

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EXPLANATORY NOTES

This bill amends several aspects of the General and Vocational Colleges Act.

Colleges receive clear authorization to become involved in such areas as applied research, technical assistance to enterprises, technical innovation, regional development, community service and international cooperation, and, with ministerial authorization, to set up technology transfer centres.

With regard to internal college organization, the bill modifies the composition of college boards, changes the name of the academic council, in French, from commission pédagogique to Commission des études and specifies its functions, replaces the French title of directeur des services pédagogiques by that of directeur des études, and specifies certain rules, dealing among other things with the maximum term of office, applicable to college principals and academic deans.

The bill gives the Government the power to establish the College Education Regulations, a general organizational framework for college instruction, covering mainly the admission and registration of students, programs of studies, the evaluation of students' learning achievement and the certification of studies. The Regulations may confer the responsibility for determining certain elements of college programs of studies on the colleges themselves.

Under the bill, a college will not be authorized to charge tuition fees for the instruction it provides to a full-time student within the scope of a program of college studies, except to a student who has failed a specified number of courses. The student's failing marks will, however, be reduced in number or deleted according to government regulations.

The bill introduces other amendments concerning regulations, the establishment of budgetary rules and the provisional

administration of colleges. It also amends the Act respecting private education to reflect the changes introduced, and enacts transitional and final provisions.

ACTS AMENDED BY THIS BILL:

- General and Vocational Colleges Act (R.S.Q., chapter C-29);
- Act respecting private education (1992, chapter 68).

Bill 82

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

GENERAL AND VOCATIONAL COLLEGES ACT

1. Section 6 of the General and Vocational Colleges Act (R.S.Q., chapter C-29), amended by section 499 of chapter 57 of the statutes of 1992, is again amended

(1) by replacing the words “provide the curricula” in the first line of subparagraph *a* of the first paragraph by the words “implement the programs”;

(2) by replacing subparagraph *g* of the first paragraph by the following subparagraph:

“(g) solicit and accept any gift, legacy or other liberality, provided that any attached conditions are compatible with the exercise of the college’s duties and powers;”;

(3) by striking out the words “or rent an immovable” in the second line of the third paragraph.

2. The said Act is amended by inserting, after section 6, the following section:

“6.01 A college may, in addition,

(a) contribute, by labour training activities, applied research, technical assistance to enterprises and the provision of information,

to the development and realization of technological innovation projects, the implementation and diffusion of new technology and the economic development of its region;

(b) carry out studies or research in education and support those of its teachers who take part in subsidized research programs;

(c) supply services or allow the use of its facilities and equipment for cultural, social, sporting or scientific purposes;

(d) take part, in accordance with Québec policy on Canadian intergovernmental affairs and international affairs, in the development and realization of cooperation programs with outside bodies in the field of college education.

The main object of the exercise of such powers shall not be the realization of profit or the operation of a commercial enterprise.”

3. Sections 6.2 and 6.3 of the said Act are repealed.

4. Section 8 of the said Act is replaced by the following section:

“8. A college shall be administered by a board composed of the following persons, who shall become members of the board upon their appointment or election:

(a) five persons appointed by the Minister, chosen as follows: two following consultation with socio-economic groups of the territory principally served by the college, one from among the persons proposed by university-level teaching institutions, one from among the persons proposed by the school boards of that territory and one from among the persons proposed by the regional council of the Société régionale de développement de la main-d’oeuvre for the region in which the college is situated;

(b) two persons appointed by the Minister, chosen from within enterprises in the region operating in the economic sectors corresponding to the programs of technical studies implemented by the college;

(c) two persons holding a Diploma of College Studies who completed their studies at the college, one in a program of pre-university studies and one in a program of technical studies, appointed by the Minister;

(d) two parents of students attending the college who are not members of the college staff, elected by a majority vote of the parents present at a general meeting convened for that purpose;

(e) two students attending the college, one registered in a program of pre-university studies and one in a program of technical studies, appointed in accordance with section 32 of the Act respecting the accreditation and financing of students' associations (R.S.Q., chapter A-3.01);

(f) three members of the college staff, other than management staff, elected by a majority vote of the staff members present at a general meeting convened for that purpose.

The principal and the academic dean shall also be members of the board.

The meetings provided for in subparagraphs *d* and *f* of the first paragraph shall be held and presided over by a person designated by the members of the board in office."

5. Section 9 of the said Act is amended

(1) by replacing the words "and *f* of the first paragraph of section 8 shall be appointed" in the first and second lines of the first paragraph by the words "of the first paragraph of section 8 shall be appointed for not more than three years, those contemplated in subparagraph *f* of the said paragraph";

(2) by replacing the letter "*b*" in the second line of the third paragraph by the letter "*f*".

6. Section 12 of the said Act is replaced by the following section :

"12. Every member of the board, except the principal and the academic dean, who has a direct or indirect interest in an enterprise that places his personal interest in conflict with that of the college must, on pain of forfeiture of office, disclose his interest in writing to the principal, abstain from voting on any matter concerning the enterprise and avoid influencing the decision relating to it. The member must, in addition, withdraw from a meeting while the matter is discussed or voted on.

Furthermore, a member of the staff of a college must, on pain of forfeiture of office, abstain from voting on any matter concerning his employment status, remuneration, fringe benefits and other conditions of employment, or those of the category of employees to which he belongs. The member must, in addition, withdraw from a meeting while the matter is discussed or voted on.

The second paragraph applies in the same manner to every staff member, except the principal, with respect to any matter concerning

the remuneration, fringe benefits and other conditions of employment of other categories of employees.”

7. Section 17 of the said Act is replaced by the following sections:

“17. The board shall establish an academic council and determine its composition by by-law.

The academic council must include

(a) the academic dean, who shall be the council’s president;

(b) members appointed by the board from among program coordinators and teachers at the college;

(c) students attending the college appointed in accordance with section 32 of the Act respecting the accreditation and financing of students’ associations.

“17.01 The function of the academic council is to advise the board on any matter concerning the programs of studies dispensed by the college and the evaluation of learning achievement, including procedures for the certification of studies.

The council may, in addition, make recommendations to the board in respect of these matters.

“17.02 The academic council must give its opinion to the board on any question submitted to it by the board in matters within its jurisdiction.

The following must be submitted to the council before being discussed by the board:

(a) proposals for institutional policy on the evaluation of learning achievement and procedures for the certification of studies;

(b) proposals for institutional policy on the evaluation of programs of studies;

(c) proposals for programs of studies envisaged by the college;

(d) the selection of learning activities that are within the jurisdiction of the college;

(e) any draft by-law or policy relating to the rules, procedures and criteria governing the admission and registration of students.”

8. Section 17.1 of the said Act is amended by replacing the words “vocational instruction programme” in the second line of the first and of the second paragraph by the words “program of technical studies”.

9. The said Act is amended by inserting, after section 17.1, the following section:

“17.2 A college may, with the authorization of the Minister, establish a college centre for technology transfer which may, in a particular field, engage in applied research, furnish technical assistance to enterprises and provide information in accordance with subparagraph *a* of the first paragraph of section 6.01.

The college may, to the extent and on the conditions it determines, entrust the management of such a centre to a legal person it designates or to a committee it constitutes for that purpose.”

10. Section 18 of the said Act is replaced by the following sections:

“18. The Government shall establish, by regulation, the College Education Regulations.

The College Education Regulations shall pertain to the general organizational framework of college education, in particular as regards the admission and registration of students, programs of studies, the evaluation of learning achievement and certification of studies, and may determine the respective powers and duties of the Minister and of colleges in such matters.

The College Education Regulations may, in particular,

(a) confer on the Minister the responsibility of establishing, within the scope of the College Education Regulations, the programs of studies leading to the Diploma of College Studies and the number of credits allotted to each program; the College Education Regulations may, however, confer on colleges the responsibility of determining certain elements of these programs;

(b) authorize the Minister, with or without conditions, to recognize programs of studies other than those he establishes within the scope of the College Education Regulations as programs leading to the Diploma of College Studies;

(c) provide that programs of technical studies leading to an Attestation of College Studies awarded by a college may be established by the college and, for that purpose, determine the cases in which the Minister’s authorization is not required for the

implementation of such institutional programs and the cases in which authorization may be subject to conditions;

(d) confer on colleges the responsibility of evaluating learning achievement, subject to what is otherwise provided in the College Education Regulations, particularly in relation to the power of the Minister to impose uniform examinations;

(e) provide that the Minister may delegate to a college, on the conditions he determines, all or part of his responsibility under the College Education Regulations in the matter of certification of studies;

(f) provide that the final date after which a student may not abandon a course without a failing mark being entered in his record shall be determined by the Minister;

(g) authorize colleges, with or without conditions, to recognize equivalences or grant a student course exemptions or substitutions;

(h) provide that the Minister may determine remedial activities which may be rendered compulsory by a college.

The Minister may establish conditions for the application of the College Education Regulations. Such conditions may include measures permitting the gradual application of the College Education Regulations.

“13.01 The Government may, by regulation,

(a) determine the financial limits within which a college may acquire, construct, extend, convert or alienate an immovable without government authorization;

(b) establish the standards, conditions and procedure for awarding contracts for the construction, extension or conversion of a college immovable.

A regulation concerning matters referred to in subparagraph b of the first paragraph may

(a) provide that the Minister’s authorization may be required at several stages and be subject to conditions;

(b) enable the Minister to exempt the work he indicates from the application of some of the provisions of the regulation.

“13.02 The Minister may make regulations concerning

(a) the by-laws or policies that a college must adopt, particularly with regard to the management of staff who are members of an accredited association within the meaning of the Labour Code (R.S.Q., chapter C-27) and the procedure for awarding an external audit mandate, in addition to those that the college may be required to adopt under the College Education Regulations;

(b) the registers that a college must keep;

(c) the reports and statistics that a college must furnish to the Minister;

(d) the standards, conditions and procedure governing the alienation of college immovables.”

11. Section 19 of the said Act is amended

(1) by replacing the words “the general regulations made under section 18 and the regulations made by the Minister under section” in the first and second lines of the first paragraph by the words “the College Education Regulations and the regulations enacted pursuant to section 18.01, 18.02 or”;

(2) by replacing the letter and word “b to” in the third line of subparagraph *a* of the first paragraph by the letter and word “d and”;

(3) by replacing, in the French text, the words “commission pédagogique” in subparagraph *d* of the first paragraph by the words “Commission des études”;

(4) by replacing subparagraph *e* of the first paragraph by the following subparagraph:

“(e) the special conditions for the admission of students or certain categories of students, taking into account the restrictions or conditions affecting the exercise of this power set out in the College Education Regulations, and any special conditions established by the Minister under the College Education Regulations for admission to a program;”;

(5) by inserting the word and figure “or 17.2” after the figure “17.1” in the second line of subparagraph *f* of the first paragraph;

(6) by striking out the second paragraph.

12. The said Act is amended by inserting, after section 19, the following section:

“19.1 The college shall forward to the Minister, upon adoption, a copy of every by-law or policy it must establish under the College Education Regulations or the regulations of the Minister, and of every amendment made thereto; the same applies to every by-law made under section 19.”

13. Section 20 of the said Act is amended

(1) by replacing, in the French text, the words “commission pédagogique” wherever they occur in the section by the words “Commission des études”, and the words “services pédagogiques” wherever they occur in the section by the word “études”;

(2) by adding, at the end of the second paragraph, the words “; however, in no case may the total duration of the successive terms of office served by the principal or the academic dean exceed ten years”.

14. The said Act is amended by inserting, after section 20, the following sections:

“20.1 In no case may the principal or the academic dean, on pain of forfeiture of office, have a direct or indirect interest in any enterprise that places his personal interest in conflict with that of the college. However, forfeiture shall not be incurred where such an interest devolves to him by succession or gift, provided that he renounces or disposes of it with dispatch.

“20.2 The dismissal or removal from office of the principal or the academic dean requires the vote of at least two thirds of the members of the board.”

15. Section 21 of the said Act is amended by replacing, in the French text, the words “commission pédagogique” in the second line of the first paragraph by the words “Commission des études”.

16. Sections 24 and 24.1 of the said Act are replaced by the following sections:

“24. No college may charge tuition fees for the instruction it provides within the scope of a program of college studies to a full-time student in such a program.

A full-time student is a student registered for at least four courses in a program of college studies, for courses totalling at least 180 periods of instruction in such a program, or, in the cases determined by government regulation, for a lesser number of courses or for

courses totalling a lesser number of periods. The status of a student shall be determined by the college, for each term, at the time the student registers for courses; the status shall be reviewed, if necessary, on the final date fixed by the Minister as the last day on which students may abandon courses without incurring a failing mark.

“24.1 However, tuition fees in the amount determined by government regulation shall be chargeable where a full-time student in a program of pre-university studies has accumulated five failing marks, appearing in his college academic record, for courses in a program of college studies; the same applies where a full-time student in a program of technical studies has accumulated seven such failing marks.

For the purposes of the first paragraph, a student's failing marks must be reduced in number or deleted to the extent and in the cases or conditions determined by government regulation.

“24.2 A college must charge tuition fees in the amount determined by government regulation for the instruction it provides within the scope of a program of college studies to a student who is not a full-time student in such a program.

“24.3 The payability and amount of tuition fees shall be governed by the law in force on the date of the student's registration for courses by the college.

“24.4 The Government may, by regulation,

(a) determine the cases in which a student registered for less than four courses or for courses totalling less than 180 periods of instruction is considered to be a full-time student, and, where applicable, determine the number of courses or periods applicable in each case;

(b) determine, for the purposes of section 24.1, the extent to which and the cases or conditions in which a student's failing marks must be reduced in number or deleted;

(c) establish rules for the determination of the tuition fees chargeable under section 24.1 and rules for the determination of the tuition fees chargeable under section 24.2;

(d) determine the conditions of admission of students from outside Québec, prescribe the payment of tuition fees for such students notwithstanding sections 24 to 24.2 and, for those purposes, define the expression “students from outside Québec”;

(e) fix the methods of payment of the tuition fees referred to in sections 24.1 and 24.2 and paragraph *d* of this section, and determine the sanctions or penalties which apply, or may apply, in case of failure to pay or late payment;

(f) determine the cases in which the abandonment of a course gives entitlement to a refund of all or part of the tuition fees.

“24.5 No college may, except by by-law, prescribe the payment of admission or registration fees for college instruction services, or other similar fees pertaining to those services.

Such by-laws are subject to approval by the Minister.”

17. Sections 25 and 26 of the said Act are replaced by the following sections:

“25. The Minister shall establish annually, and submit to the Conseil du trésor for approval, budgetary rules for the determination of the amount of operating expenses, capital expenditures and debt service expenses admissible for the subsidies to be allocated to colleges for the programs of college instruction which they are authorized to implement.

The budgetary rules may also provide, in particular, for the allocation of subsidies to a college to establish and maintain a college centre for technology transfer, offer special programs established by the Minister or carry out activities agreed upon with the Minister.

“26. The budgetary rules may provide that the allocation of a subsidy

(a) may be made on the basis of general or specific standards;

(b) may be subject to general conditions determined by the budgetary rules or by the Minister that are applicable to all colleges or to specific conditions determined by the budgetary rules or by the Minister that are applicable to one or several colleges.

In addition, a subsidy for capital expenditures and debt service expenses or a subsidy referred to in the second paragraph of section 25 may be subject to authorization by the Minister or be granted only to one or several colleges.

“26.1 Every college must adopt and forward to the Minister, on or before the date and in the form he determines, its operating, investment and debt service budget for the ensuing fiscal year.

A college which, on 1 July, has not adopted its budget is authorized to incur, for that month, an amount of expenditure equal to one-twelfth of the amount of its expenditures for the preceding fiscal year. The same rule applies for each month of a fiscal year if, on the first day of the month, the budget has not been adopted.

“26.2 No college may make payments or assume obligations the cost of which exceeds, in the same fiscal year, the amounts at its disposal for the fiscal year in which such payments or obligations are made or assumed.

Nothing in this section shall prevent a college from making a commitment for a term of more than one fiscal year.

“26.3 For each fiscal year, the college shall appoint from among the members of a professional corporation of accountants governed by the Professional Code (R.S.Q., chapter C-26) an external auditor who shall file a report of his audit of the financial transactions of the college.

The Minister may specify the audit mandate applicable to all external auditors of colleges.

“26.4 The following may not act as the external auditor of a college:

- (a) a member of the college board;
- (b) an employee of the college;
- (c) a partner of a person referred to in paragraph *a* or *b*;

(d) a person who, during the fiscal year for which the audit is conducted, has, directly or indirectly, personally or through a partner, any share or interest in or in relation to, or commission arising from, a contract with the college, or derives any benefit from such a contract, unless his connection with the contract arises from the practice of his profession.”

18. Section 27 of the said Act is replaced by the following section:

“27. The financial statements of a college, together with the financial reports required by the Minister and the report of the external auditor, shall be forwarded to the Minister at the time and in the form he determines.

A college that receives a sum of money or a direct or indirect benefit from a foundation, trust or legal person that solicits funds or gifts from the public must mention it in a schedule appended to its financial statements indicating the object for which the sum of money or benefit was granted.

The financial statements of a college which has entrusted the management of certain of its activities to another body must be accompanied with any document or information required by the Minister concerning such activities.

The fiscal year of a college shall end on 30 June each year.”

19. Section 27.1 of the said Act is amended by striking out the second sentence of the first paragraph.

20. Section 29 of the said Act, amended by section 198 of chapter 42 of the statutes of 1992, is replaced by the following section:

“29. The Minister may direct any person he designates to investigate whether the provisions of this Act and its regulatory instruments are being complied with by a college, or to inquire into any matter relating to the educational methods, administration or operation of a college.

A person so designated has, for the purposes of the investigation or inquiry, the immunity and powers of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment.

The Minister and Deputy Minister shall possess, by virtue of their office, the authority and powers to make any investigation or inquiry.”

21. The said Act is amended by inserting, after section 29.1, the following sections:

“29.2 The Minister may, after having given a college an opportunity to present its views, assume the administration of the college in the place and stead of the board for a period not exceeding 120 days,

(a) where the college engages in practices or tolerates a situation incompatible with the pursuit of its purposes;

(b) where the Minister considers that there has been a gross fault, such as embezzlement, breach of trust or other misconduct by one or more members of the board;

(c) if the college has been seriously remiss in the performance of its obligations under this Act and its regulatory instruments, especially by appropriating subsidies for purposes other than those for which they were allocated.

“29.3 The period provided for in section 29.2 may be extended by the Government, provided that none of the extensions exceeds ninety days.

“29.4 Where the Minister assumes the provisional administration of a college, the powers of the board are suspended and are exercised by the Minister.

“29.5 No person who assumes, under the authority of the Minister, the provisional administration of a college may be prosecuted for an official act performed in good faith in the performance of his duties.

“29.6 The Minister shall report to the Government upon ascertaining that a situation described in section 29.2 has been corrected or that it will not be possible to correct it before the end of the provisional administration.

“29.7 After receiving the report of the Minister, the Government may

(a) terminate the provisional administration on the date it fixes or extend it; or

(b) declare the members of the board forfeited of office and order the Minister to see to their replacement in accordance with section 8.

“29.8 The Minister may withhold or cancel all or part of the amount of a subsidy intended for a college if the college refuses or neglects to comply with a provision of this Act or its regulatory instruments.”

22. Section 30.7 of the said Act is amended by striking out the second sentence of the second paragraph.

23. Section 30.9 of the said Act is amended by striking out the words “approved by the Minister” in the third line.

ACT RESPECTING PRIVATE EDUCATION

24. Section 1 of the Act respecting private education (1992, chapter 68) is amended

(1) by replacing paragraph 8 by the following paragraph:

“(8) instructional services in vocational training at the college level the purpose of which is to lead to a diploma, certificate or attestation of college studies awarded in accordance with the College Education Regulations established under section 18 of the General and Vocational Colleges Act (R.S.Q., chapter C-29);”;

(2) by replacing the words “official attestation awarded by the Minister of Education or the Minister of Higher Education and Science or to an attestation of college studies awarded by the institution” in the fourth, fifth and sixth lines of paragraph 9 by the words “attestation referred to in paragraphs 4, 6 and 8.”

25. Section 44 of the said Act is amended

(1) by replacing the first line of the first paragraph by the following:

“**44.** The College Education Regulations”;

(2) by replacing the second paragraph by the following paragraph:

“The conditions of application of the College Education Regulations are the same as those established by the Minister under section 18 of the General and Vocational Colleges Act.”

26. Section 45 of the said Act is replaced by the following section:

“**45.** An educational institution shall dispense, for each program of pre-university or technical studies mentioned in its permit, at least those courses which, when combined, render the student eligible for admission to university-level studies or to a diploma, certificate or attestation of college studies awarded in accordance with the College Education Regulations.”

27. Section 49 of the said Act is amended by replacing all that follows the words “certificate or” in the fifth line of the second paragraph by the words “an attestation referred to in paragraph 4, 6 or 8 of section 1.”

28. Section 51 of the said Act is repealed.

29. Section 79 of the said Act is amended by replacing the words “instruction in vocational training” in the third line of the first paragraph by the words “technical studies”.

30. Section 83 of the said Act is amended by replacing the words “Regulation respecting the Basis of College Organization” in the second line by the words “College Education Regulations”.

31. Section 161 of the said Act is amended by replacing the words “vocational training program” in the fourth line of the second paragraph by the words “program of technical studies”.

32. Section 172 of the said Act is amended

(1) by inserting the words “of successive performance” after the word “services” in the first line;

(2) by replacing the numeral “IV” in the third line by the numeral “VI”;

(3) by replacing the figure “7” in the fifth line by the letter “r”.

TRANSITIONAL AND FINAL PROVISIONS

33. Notwithstanding section 8 of the General and Vocational Colleges Act (R.S.Q., chapter C-29) enacted by section 4 of this Act, the members of the board of directors of a college in office on 30 June 1993, except the person responsible for student services, shall remain in office until the expiry of their terms.

The first two appointments under subparagraph *b* and under subparagraph *c* of the first paragraph of the said section 8 shall be made alternately to fill the first two vacancies occurring among the seats held by parents of students or among the seats held by members of the college staff or the first vacancy occurring among the seats held by persons appointed after consultation with socio-economic groups.

In addition, the term of office of each of the first three persons elected under subparagraph *f* of the first paragraph of the said section 8 shall be three years.

34. Every specialized college centre established with the authorization of the Minister is maintained and is considered to be a college centre for technology transfer governed by the General and Vocational Colleges Act.

35. The provisions of the Regulation respecting the Basis of College Organization in force on 30 June 1993 are deemed to have been established under section 18 of the General and Vocational Colleges Act enacted by this Act; they shall remain in force until amended,

replaced or repealed in accordance with that section, subject to the measures for the gradual application of the new provisions established by the Minister under the said section 18.

Any reference to the College Education Regulations is, to the extent that the Regulation respecting the Basis of College Organization continues to apply, a reference to the latter.

The Government may enact, with no further notice or advance publication, the draft Regulation respecting the College Education Regulations published in the *Gazette officielle du Québec* of (*insert here the date of publication of the draft Regulation respecting the College Education Regulations*), with or without amendment.

36. The provisions of the regulations made by the Government under subparagraphs *a* and *e* of the first paragraph of section 18 of the General and Vocational Colleges Act, as it stood before 1 July 1993, are deemed to have been made by the Minister, to the extent that they are compatible with this Act; they shall remain in force until amended, replaced or repealed by the latter.

37. The “directeur des services pédagogiques” of a college in office on 30 June 1993 becomes the “directeur des études”.

The provision enacted by paragraph 2 of section 13 of this Act does not apply to principals and academic deans in office on 1 July 1993. However, in no case may the total duration of the successive terms of office they may serve from 1 July 1993 exceed ten years.

38. For the purposes of section 24.1 of the General and Vocational Colleges Act, enacted by section 16 of this Act, any failing marks incurred by a student before 1 January 1994 shall not be taken into account.

39. Regulations made before 31 July 1993 pursuant to paragraphs *a*, *c*, *e* and *f* of section 24.4 of the General and Vocational Colleges Act, enacted by section 16 of this Act, are not subject to the requirement of publication provided for in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

40. Section 32 has effect from 1 January 1993.

41. The provisions of this Act will come into force on 1 July 1993 except

(1) those of section 40, which come into force on (*insert here the date of assent to this Act*);

(2) those of section 16, with the exception of section 24.1 enacted by it, which will come into force on 15 August 1993;

(3) those of section 24.1 of the General and Vocational Colleges Act, enacted by section 16 of this Act, and those of section 38 of this Act, which will come into force on 1 January 1994.