

THE EDUCATION ACT

ARRANGEMENT OF SECTIONS

PART I. *Preliminary*

1. Short title.
2. Interpretation.

PART II. *Minister's Powers and Advisory Bodies*

3. General powers of the Minister.
4. Particular powers.
5. Establishment and constitution of the Teachers Service Commission.
6. Special committees.

PART III. *The Statutory System of Education*

7. Stages of the statutory system of public education.
8. Educational Boards.
9. Management of public educational institutions.
10. Minister's power to alter endowments.
11. Certain educational interests to be protected in schemes.
12. When scheme requires assent of governing body.
13. Procedure with regard to schemes.
14. [*Repealed by Act 19 of 1980.*]
15. Loans to aided educational institutions.
16. Transfer of educational institutions to new sites.
17. Requirements to be fulfilled by public educational institutions.
18. Conscience clause.
19. Registration of students.
20. Declaration of compulsory education areas and compulsory school age.
21. Duty of parents to secure education of their children.

EDUCATION

22. School attendance orders.
23. Authorization and powers of Attendance Officers.
24. Children requiring special educational treatment.

PART IV. *Independent Schools*

25. Registration of independent schools.
26. Independent Schools Committee.
27. Notices of complaint.
28. Determination of complaints.
29. Appeal to Minister.
30. Enforcement.
31. Removal of disqualifications.

PART V. *Registration and Discipline of Teachers*

32. Functions of the Teachers Service Commission.
33. Persons who may teach in a public educational institution.
34. Registration of teachers.
35. Grounds for refusal of registration.
36. Authorized teachers.
37. Appeals Tribunal.
38. Disciplinary penalties.

PART VI. *General*

39. Inspection of educational institutions.
40. Enquiry into management of endowed institutions.
41. Approval required for disposal of property included in endowment.
42. Certificate of age.
43. Regulations.
44. Wishes of parents to be considered in education of students.

SCHEDULES

THE EDUCATION ACT

[16th December, 1965.]

Acts
8 of 1965,
41 of 1975,
2nd Sch.
19 of 1980.

PART I. *Preliminary*

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|--|---------------------|
| 1. This Act may be cited as the Education Act. | Short title. |
| 2. In this Act, unless the context otherwise requires— | Interpretation. |
| “aided educational institution” means any educational institution which the Minister assists in maintaining; | |
| “all-age school” means a school that offers a course of educational training for students of ages six to fifteen years; | 19/1980
S. 2(b). |
| “authorized teacher” means a person registered as such under section 36 and employed as a teacher in a public educational institution; | 19/1980
S. 2(b). |
| “ Board of Management” means, in relation to any public educational institution, the Board of Management of that institution; | 19/1980
S. 2(b). |
| “child” means a person who has not attained the age of fifteen years; | |
| “Commission” means the Teachers Service Commission established pursuant to section 5; | 19/1980
S. 2(b). |
| “community college” means an educational institution providing tertiary education and offering a wide variety of professional, para-professional, vocational and academic programmes, or any of them, based upon the needs of the community in which the college is based; | 19/1980
S. 2(b). |

“compulsory school age” means, in relation to any compulsory education area, the ages between which all children residing in such area are declared, under section 20, to be of compulsory school age;

“conscience clause” means section 18;

19/1980
S. 2(b).

“educational institution” means any school, technical institution, training centre, teachers college, community college, institution of higher education or such other institution as may be prescribed;

“endowed educational institution” means any educational institution which is wholly or partially maintained by means of any endowment but does not include—

(a) any educational institution the endowment of which is applicable and applied solely for the education of persons being trained to be ministers of any religious denomination; or

(b) any educational institution which is maintained wholly or partially out of annual voluntary subscriptions and has no endowment other than the premises thereof;

19/1980
S. 2(b).

“functions” includes powers and duties;

“high school” means any secondary school classified by the Minister as a high school;

“independent school” means any school at which education is provided for twenty or more students between the ages of eight years and nineteen years, not being a public educational institution;

19/1980
S. 2(c).

“the Independent Schools Committee” means the Independent Schools Committee established under section 26;

“parent”, in relation to any child, includes a guardian and every person who has the actual custody of the child;

- “pre-trained teacher” means a person employed, or seeking appointment, as a teacher in a public educational institution who has not pursued, either at a teachers college or some other institution recognized by the Minister as providing training for teachers, a programme of training which included a course in teaching theory and practice; 19/1980 S. 2(b).
- “pre-primary school” means a school (or a department of a school) which offers a course of educational training and experience for students who, at the commencement of any school year, have not attained the age of six years; 19/1980 S. 2(b).
- “primary education” has the meaning assigned to that expression by section 7;
- “primary school” means a school (or department of a school) that offers not less than a five-year course of educational training and experience for students of ages six to twelve years; 19/1980 S. 2(b).
- “primary student” means a student who, at the commencement of any school year, has not attained the age of twelve years; 19/1980 S. 2(b).
- “public educational institution” means any educational institution which is maintained by the Minister and includes any aided educational institution;
- “school”, where used without qualification, means an institution for providing primary or secondary education or both primary and secondary education;
- “school year” means such period, not exceeding twelve months, as may from time to time be prescribed as a school year for the purposes of administering this Act;
- “secondary education” has the meaning assigned to that expression by section 7;

- 19/1980
S. 2(b). "secondary school" means a school (or department of a school) that offers not less than a five-year course of educational training and experience for students who have attained the age of eleven years;
- 19/1980
S. 2(b). "secondary student" means a student who—
- (a) at the commencement of any school year, has attained the age of twelve years and is under the age of thirteen years; or
 - (b) will attain the age of twelve years by the 31st of December in the year in which he is admitted to school;
- 19/1980
S. 2(b). "student" means a person for whom education is provided under this Act;
- "teachers college" means any institution established for the purpose of training teachers for service in public educational institutions;
- 19/1980
S. 2(b). "technical institution" means any college, high school or other institution established for the purpose of providing for studies, training or research in technology, science, commerce, dance, music or art, or such other discipline as may be prescribed;
- 19/1980
S. 2(b). "tertiary education" has the meaning assigned to it by section 7;
- "training centre" means any institution established for the purpose of providing education and training in any vocation requiring manual skill.

PART II. Minister's Powers and Advisory Bodies

General powers of the Minister.

3. It shall be lawful for the Minister—
- (a) to promote the education of the people of Jamaica and the progressive development of institutions devoted to that purpose;
 - (b) to frame an educational policy designed to provide a varied and comprehensive educational service in Jamaica;

- (c) to secure the effective execution of the educational policy of the Government of Jamaica;
- (d) to establish a co-ordinated educational system organized in accordance with the provisions of this Act;
- (e) to contribute towards the spiritual, moral, mental and physical development of the community by securing that efficient education shall be available to meet the needs of the Island.

4.—(1) Without prejudice to the generality of the provisions of section 3 the Minister shall have power—

Particular powers.

- (a) to establish schools in such places as he may think fit and to determine the classification of such schools;
- (b) to maintain or assist in maintaining schools, whether established by him or otherwise;
- (c) to establish, maintain and assist in maintaining such teachers colleges and other institutions as he may consider necessary for the training of teachers and to take such other action as he may consider necessary to ensure that the requirements for teachers in public educational institutions will be satisfied;
- (d) to establish, maintain and assist in maintaining such technical institutions and training centres as he may consider necessary to fulfil the requirements for technical and vocational education;
- (e) to provide or assist in providing such facilities as he may think fit for tertiary education;
- (f) to provide, subject to such conditions as may be prescribed, such number of places in public educational institutions as he may from time to time determine;

19/1980
S. 3(1)(a).

19/1980
S. 3(1)(b).

- 19/1980
S. 3(1)(c).
- (g) subject to such conditions as may be prescribed, to render to any student or class of students such forms of assistance as may be necessary to enable such student or class of students to take full advantage of the educational facilities available;
- (h) to provide for the grant of scholarships, exhibitions, bursaries and other financial assistance including loans for tertiary education.

19/1980
S. 3(1)(d).

19/1980
S. 3(2)(a)
& (b).

(2) Assistance to students under paragraph (g) of subsection (1) may include the provision of free places in independent schools, books and medical and dental service, and such other forms of assistance as the Minister may consider necessary in any particular case.

19/1980
S. 3(3).

(3) For the purposes of this section "free places" means accommodation in an educational institution allotted to students who, or whose parents, are by reason of the allotment exempt from any liability to pay fees for tuition in such institution.

Establishment and constitution of the Teachers Service Commission.
19/1980
S. 4.
First Schedule.

5.—(1) There shall be established for the purposes of this Act a body to be called the Teachers Service Commission.

(2) The provisions of the First Schedule shall have effect as to the constitution of the Commission and otherwise in relation thereto.

(3) The Commission shall have such powers and duties as are specified in Part V or as may be prescribed.

Special committees.
19/1980
S. 5.

6.—(1) The Minister may from time to time establish such special committees as he may think it expedient to establish for assisting him in an advisory capacity in the discharge of any of his duties under this Act.

(2) Every special committee shall consist of such members as the Minister shall appoint.

(3) A special committee shall have such duties as the Minister shall specify upon the appointment of such committee and the Minister may refer any matter to a special committee.

PART III. *The Statutory System of Education*

7. The statutory system of public education shall be organized in three stages, that is to say—

Stages of
the statutory
system of
public
education.
19/1980
S. 6.

- (a) primary education, which shall consist of full-time education generally suitable to the requirements of students who are not over the age of twelve years and, for the purposes of this Act, shall include education at a pre-primary school;
- (b) secondary education, which shall consist of full-time education generally suitable to the requirements of students who have attained the age of eleven years and are not over the age of nineteen years; and
- (c) tertiary education, which shall consist of—
 - (i) full-time education other than primary or secondary education;
 - (ii) part-time education; and
 - (iii) leisure-time occupation in organized cultural training and recreative activities, available in pursuance of any provision made under this Act for further education for students who have attained the age of fifteen years.

8.—(1) The Minister may from time to time divide the Island into such educational districts as he may think fit and shall establish for each educational district an Educational Board.

Educational
Boards.

(2) The provisions of the Second Schedule shall have effect as to the constitution of each Educational Board and otherwise in relation thereto.

Second
Schedule.

(3) Each Educational Board shall have, in addition to the powers conferred upon Educational Boards by this Act, such powers and duties as may be prescribed.

(4) Proceedings against any person for an offence against section 21 or 22 or 23 or 24, or for the recovery of any penalties under any of the said sections, may be instituted by the Educational Board for the area in which the offence is committed.

(5) In any action or other legal proceedings brought against any member of an Educational Board in respect of any act done in pursuance or execution or intended execution of this Act, the plaintiff shall not recover unless he alleges in his pleading and proves at the trial that such act was done either maliciously or without reasonable and probable cause.

Management
of public
educational
institutions.
19/1980
S. 7(a).

9.—(1) Every public educational institution shall be administered—

- (a) by a Board of Management, which shall consist of not less than three persons appointed in the prescribed manner and shall have such powers and duties as may be prescribed; or
- (b) where the Minister so directs, in accordance with the provisions of a scheme approved by the Minister.

19/1980
S. 7(b).

(2) Every scheme which provides for the management of a public educational institution shall contain provisions for the constitution, powers and duties of a Board of Management for the educational institution to which the scheme relates and shall also provide for the keeping and audit of the accounts of such Board in a manner satisfactory to the Minister.

(3) The Minister may take such action as he may consider necessary whenever there is serious failure in the successful working of any public educational institution

and the Board of Management appointed under this section has failed, within a reasonable time after having been required by the Minister so to do, to provide a remedy for such failure.

19/1980
S. 7(e).

10. The Minister may, for the purpose of rendering the endowment of any endowed educational institution most conducive to the advancement of education, make schemes—

Minister's
power to
alter en-
dowments.

- (a) altering and adding to any existing trusts, directions and provisions which affect such endowment and the education promoted thereby;
- (b) making new trusts, directions and provisions in lieu of any existing trusts, directions and provisions which affect such endowment and the education promoted thereby;
- (c) altering the constitution, rights and powers of any governing body of such endowment;
- (d) removing a governing body of such endowment and establishing a new governing body with such powers as he thinks fit.

11. Where the Minister makes in relation to an endowed educational institution any scheme which abolishes or modifies any privileges or educational advantages to which a particular class of persons is entitled, whether as inhabitants of a particular district or otherwise, the Minister shall in such scheme have regard to the educational interest of such class of persons.

Certain
educational
interests to
be protected
in schemes.

12. A scheme shall not be made under this Act interfering with the governing body of any endowed educational institution if such governing body is subject to the jurisdiction of the governing body of any religious denomination unless the governing body of such educational institution assent to the scheme.

When
scheme re-
quires assent
of govern-
ing body.

Procedure
with regard
to schemes.

13.—(1) A draft of every scheme proposed to be made under this Act shall be prepared by such persons and in such manner as the Minister directs and shall be published in the *Gazette* together with a notice that any person interested in any endowment or educational institution affected by the scheme may, if he desires to make any objections to the scheme, send his objections in writing to the Minister within two months from the date of such publication.

(2) The Minister shall consider every objection sent to him pursuant to the provisions of this section and thereafter may by order approve the scheme with such modifications, if any, as may appear to him to be necessary and as from such date as he shall specify in the order the scheme shall have effect accordingly.

(3) Every such order approving a scheme made under section 10 shall be subject to affirmative resolution and when submitted to each Chamber of the Legislature shall be accompanied by the scheme.

(4) The Minister shall cause a copy of every scheme approved under this Act to be recorded in the Record Office.

14. [*Repealed by Act 19 of 1980.*]

Loans to
aided
educational
institutions.
19/1980
S. 9(a) & (b).

15.—(1) Where the Board of Management of any aided educational institution requires a loan for the purpose of improving or extending the buildings of the institution or erecting a new educational institution in substitution for any discontinued educational institution, the Board of Management may apply to the Minister for a loan from the Government.

(2) If upon consideration of an application for a loan under this section, the Minister is satisfied that the purpose for which the loan is required ought to be carried out and that the amount required by way of such loan may properly be obtained by borrowing, he may arrange to obtain a loan from the Government.

16.—(1) Where the Minister is satisfied that it is expedient that any public educational institution should be transferred to a new site either because it is not reasonably practicable to make to the existing premises of the institution the alterations necessary for securing that they should conform to the prescribed standards, or in consequence of any movement of population or of any action taken or proposed to be taken under the Housing Act, or the Town and Country Planning Act, the Minister may by order authorize a transfer of the institution to the new site.

Transfer of educational institutions to new sites.

(2) Any transfer authorized under this section shall not be deemed for the purposes of this Act to constitute the discontinuance of the institution or the establishment of a new institution.

17.—(1) Every public educational institution shall comply with the following requirements, that is to say—

- (a) the premises of such institution shall be sanitary and be maintained in a condition which the Minister considers satisfactory for the conduct of an educational institution;
- (b) it shall be open to inspection pursuant to the provisions of section 39;
- (c) the conscience clause shall be observed therein;
- (d) it shall be conducted in accordance with all the regulations relating thereto;
- (e) it shall not be conducted for private profit and no portion of the funds thereof shall be used for any purpose other than the purpose of that institution;
- (f) where such institution is a high school the fees for tuition therein shall be fixed by the Board of Management subject to the approval of the Minister;
- (g) where such institution is an aided educational institution—

Requirements to be fulfilled by public educational institutions.

19/1980
S. 10.

- (i) the management and efficiency thereof shall be of a standard which in the Minister's opinion justifies the making of grants-in-aid to such institution;
- (ii) every person holding any interest in or right over the premises of the institution shall inform the Minister, in such manner as shall be prescribed, of the nature and extent of such interest or right;
- 19/1980
S. 10. (iii) the owners or Board of Management thereof shall not discontinue the institution except after serving on the Minister not less than four years' notice, or such shorter notice as the Minister may agree to accept, of their intention to do so;
- 19/1980
S. 10. (iv) if the owners or Board of Management thereof decide to discontinue the institution they shall, if the Minister so requires, repay prior to the discontinuance of the institution such portion as the Minister thinks just of any expenditure incurred by the Government in connection with the establishment or alteration of the institution.

(2) If it appears to the Minister that in respect of any aided educational institution there has occurred or is about to occur any failure to comply with the requirements of sub-paragraph (iii) of paragraph (g) of subsection (1) the Minister may dismiss the Board of Management thereof and thereafter conduct and maintain the institution—

19/1980
S. 10.

- (a) where the notice required under that sub-paragraph was served on him, until the expiration of the notice; or
- (b) in any other case, until the owners of the institution either—
 - (i) inform him in the prescribed manner of their intention to continue to conduct and main-

tain the institution as an aided educational institution; or

- (ii) serve on him the notice required under that sub-paragraph and such notice expires.

(3) While any educational institution is being conducted and maintained by the Minister under subsection (2)—

- (a) he shall keep the premises of the institution in good repair;
- (b) for all purposes relating to the condition of the premises of the institution and the occupation and use thereof, any interest in such premises which is held for the purposes of the institution shall be deemed to be vested in him;
- (c) the owners of the institution shall be entitled to the use of the whole or any part of the premises thereof when not required for the purposes of the institution to the like extent as they would have been if they had continued to carry on the institution.

(4) Any person aggrieved by a requirement of the Minister pursuant to sub-paragraph (iv) of paragraph (g) of subsection (1) to repay any amount may appeal to a Judge in Chambers.

(5) Any amount required, pursuant to sub-paragraph (iv) of paragraph (g) of subsection (1), to be repaid shall be a debt due to the Government from the owners or Board of Management of the institution and may be sued for and recovered in the Supreme Court or in a Resident Magistrate's Court by the Attorney-General, with costs of suit, from the person charged therewith as a debt due to the Government.

19/1980
S. 10.

Conscience
clause.
19/1980
S. 11(a)
& (b).

18.—(1) It shall not be required as a condition of the admission or attendance of any student in a public educational institution—

- (a) that he shall attend or abstain from attending any Sunday School or place of religious worship;
- (b) that he shall, if his parent objects, attend any religious observance or any instruction in religious subjects at such institution or elsewhere;
- (c) that he shall attend such institution on any day specially set apart for religious worship by the religious body to which he belongs.

(2) If the parent of any student attending a public educational institution requests that such student be excused from attendance at any religious observance or any instruction in religious subjects at such institution or elsewhere, then, until such request is withdrawn, the student shall be excused from such attendance without forfeiting any of the other benefits of such institution.

(3) Where the parent of any student who is a boarder at a public educational institution requests that the student be permitted to attend worship in accordance with the tenets of a particular religious denomination on Sundays or other days exclusively set apart for religious observance by the religious body to which his parent belongs, or to receive religious instruction in accordance with such tenets outside school hours, the Board of Management of the institution shall make arrangements for affording to the student reasonable opportunities for so doing, so, however, that such arrangements shall not entail expenditure by the Minister or the Board of Management.

(4) Subject to the provisions of this section, the school day in every public educational institution shall include time for collective worship on the part of all students in attendance at the institution, and the arrangements made

therefor shall provide for a single act of worship attended by all such students unless, in the opinion of the Board of Management, the premises of the institution are such as to make it impracticable to assemble the students for such purpose.

(5) A copy of this section printed in large type shall be kept posted up in a conspicuous place in every public educational institution.

19. The Minister shall cause every public educational institution to keep, in such form and manner as shall be prescribed, a register to be known as the Register of Students, and such register shall contain the prescribed particulars with respect to all persons who are students at such institution.

Registration
of students
19/1980
S. 12.

20. The Minister may by order declare—

- (a) any area within a radius of three miles from any school specified in such order to be a compulsory education area; and
- (b) the compulsory school age in relation to such compulsory education area.

Declaration
of compul-
sory
education
areas and
compulsory
school age.

21.—(1) It shall be the duty of the parent of every child of compulsory school age residing in a compulsory education area to cause him to receive full-time education suitable to his age and ability, and satisfactory to the Educational Board for the area, either by regular attendance at school or otherwise.

Duty of
parents to
secure
education of
their
children.

(2) If any child of compulsory school age in a compulsory education area who is a registered student at a school fails to attend regularly thereat, the parent of the child shall be guilty of an offence against this section.

19/1980
S. 13(a).

(3) In any proceedings for an offence against this section the child shall not be deemed to have failed to attend regularly at school by reason of his absence therefrom—

19/1980
S. 13(b).

- (a) at any time when he was prevented from attending by reason of sickness or any unavoidable cause;
- (b) with leave granted by any person authorized in that behalf by the owners or the Board of Management of the school;
- (c) if the parent proves that the school at which the child is registered is not within walking distance of the child's home.

(4) In this section "walking distance" means, in relation to any child who has not attained the age of eight years, two miles, and in relation to any other child, three miles, measured in each case by the nearest available route.

(5) Any person who is guilty of an offence against this section shall be liable on summary conviction before a Resident Magistrate, in the case of a first conviction, to a fine not exceeding one dollar, in the case of a second conviction, to a fine not exceeding four dollars, and in the case of a third or subsequent conviction, to a fine not exceeding ten dollars or to imprisonment for a term not exceeding fourteen days or to both such fine and such imprisonment.

(6) Where the court before which a prosecution is brought for an offence against this section or section 22 is satisfied—

19/1980
S. 13(c).

- (a) that the child in respect of whom the offence is alleged to have been committed has failed to attend regularly at the school at which he is a registered student; or
- (b) that a person who is alleged to have failed to comply with the requirements of an attendance order is guilty of an offence against section 22,

the court may, whether or not the parent is convicted, direct that the child in respect of whom the offence is alleged to have been committed be brought before a Children's Court

by the person or authority by whom or on whose behalf the proceedings were instituted, and the Children's Court may, if it is satisfied that it is necessary so to do for the purpose of securing the regular attendance of the child at a school, make any order which such a court has power to make under section 80 (2) of the Child Care and Protection Act in the case of children who are brought before it under Part III of that Act.

(7) For the purposes of the Child Care and Protection Act any child with respect to whom a direction has been given under this section that he be brought before a Children's Court shall be deemed to be a child about to be brought, or brought, before such a court under Part III of that Act and any order made by a Children's Court under this section shall be deemed to be an order made under section 80 (2) of that Act, and all the provisions of that Act shall have effect accordingly, but subject to the modification that in relation to any such child subsection (1) of section 12 of that Act shall have effect as if the words "or any person to whom a direction has been given under subsection (6) of section 21 of the Education Act", were inserted therein next after the word "constable".

(8) In this section and sections 22, 23 and 24, any reference to a Resident Magistrate, in so far as it relates—

L. Nn.
149/78,
64/80.

- (a) to a Resident Magistrate's Court for the parish of Kingston or for the parish of Saint Andrew, shall, as respects any time on or after the 13th day of November, 1978, be construed as a reference to the Family Court—Corporate Area Region; and
- (b) to the Resident Magistrate's Court for a parish within the geographical jurisdiction of a Family Court established pursuant to Part II of the Judicature (Family Court) Act, shall, as respects any time on or after the date on which such Court is established, be construed as a reference to that Family Court.

School
attendance
orders.

22.—(1) If it appears to the Educational Board for any compulsory education area that the parent of any child of compulsory school age residing in such area is failing to perform the duty imposed on such parent by section 21 the Educational Board shall serve upon the parent a notice requiring him, within such time as may be specified in the notice, not being less than fourteen days from the service thereof, to satisfy the Educational Board that the child is receiving full-time education suitable to his age and ability and satisfactory to the Educational Board, either by regular attendance at school or otherwise.

(2) If a parent upon whom a notice is served under this section fails to satisfy the Educational Board in accordance with the requirements of the notice that the child to whom the notice relates is receiving full-time education suitable to his age and ability and satisfactory to the Educational Board, then, if in the opinion of the Educational Board it is expedient that he should attend school, the Board shall serve upon the parent an order (hereinafter referred to as a "school attendance order") requiring the parent to cause the child to become a registered student at a school named in the order:

19:1980
S. 14.

Provided that the Educational Board may at any time, at the request of the parent, substitute another school for the school named in the order.

(3) If any person upon whom a school attendance order is served fails to comply with the requirements of the order he shall be guilty of an offence against this section unless he proves that he is causing the child to whom the order relates to receive, otherwise than at a school, full-time education suitable to his age and ability and satisfactory to the Educational Board.

(4) If in any proceedings against any person for a failure to comply with a school attendance order that person is acquitted, the court may direct that the school attend-

ance order shall cease to be in force, but without prejudice to the duty of the Educational Board to take further action under this section if at any time the Educational Board is of the opinion that having regard to any change of circumstances it is expedient so to do.

(5) Except as provided in subsection (4) a school attendance order made with respect to any child shall, subject to any amendment thereof which may be made by the Educational Board, continue in force so long as such child is of compulsory school age, unless such order is revoked by the Educational Board.

(6) Any person who is guilty of an offence against this section shall be liable on summary conviction before a Resident Magistrate, in the case of a first conviction, to a fine not exceeding one dollar, in the case of a second conviction, to a fine not exceeding four dollars, and in the case of a third or subsequent conviction to a fine not exceeding ten dollars or to imprisonment for a term not exceeding fourteen days or to both such fine and such imprisonment.

23.—(1) It shall be lawful for any person authorized in that behalf by an Educational Board (which person is hereinafter referred to as an Attendance Officer) at any time between the hours of seven o'clock in the morning and six o'clock in the evening on any day to enter any premises and there—

Authoriza-
tion and
powers of
Attendance
Officers.

- (a) make such enquiries as may be necessary to determine whether the provisions of section 21 or section 22 are being complied with in relation to any child whom he has reasonable cause to believe to be residing or employed on such premises; or
- (b) serve on any person a notice under section 22 or section 24.

(2) Every Attendance Officer shall be furnished with a certificate of authorization by the Educational Board for

the area concerned and upon entering any premises as aforesaid, he shall, if required so to do, produce to the occupier his certificate of authorization.

(3) Any person who—

- (a) assaults or obstructs any Attendance Officer while such Attendance Officer is acting pursuant to any power vested in him by this Act; or
- (b) having been requested by any Attendance Officer to give any information of which he may be possessed as to the name, age, residence, parent, employment, or attendance at school of any child, fails without reasonable cause to give such information to the Attendance Officer; or
- (c) knowingly gives to any Attendance Officer any false or misleading information as to the name, age, residence, parent, employment, or attendance at school of any child,

shall be guilty of an offence against this section, notwithstanding that any child in relation to whom such offence is alleged to have been committed is not of compulsory school age, and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding forty dollars.

Children
requiring
special
educational
treatment.

24.—(1) The Minister may direct the Educational Board for any compulsory education area to ascertain for his information which children of compulsory school age residing in such area require special educational treatment; and after considering the report of the Educational Board the Minister may take such steps as he thinks fit to provide for the education of any such children requiring special educational treatment.

(2) For the purpose of carrying out the directions of the Minister under this section an Educational Board may cause to be served upon the parent of any child of compulsory school age residing in a compulsory education

area in respect of which such directions were given, a notice requiring the parent to submit the child, at a time and place specified in the notice, for examination by a Medical Officer for advice as to whether the child is suffering from any disability of mind or body and as to the nature and extent of any such disability.

(3) If any parent upon whom a notice is served under this section fails without reasonable cause to comply with the requirements of such notice he shall be guilty of an offence against this section, and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding four dollars, and where such offence is continued after conviction the parent shall be guilty of a continuing offence and in respect of each day during which that offence continues shall be liable to a fine not exceeding two dollars.

PART IV. *Independent Schools*

25.—(1) The Minister shall appoint an officer of the Ministry of Education to be the Registrar of Independent Schools (in this Act referred to as “the Registrar”) and shall furnish him with a certificate of appointment.

Registration of independent schools.

(2) The Registrar shall keep a register, to be known as the Register of Independent Schools, and such register shall be open to public inspection at all reasonable times.

(3) Whenever the Registrar is satisfied that there is any error in the Register of Independent Schools, or any omission therefrom, he shall forthwith rectify the error or omission.

(4) Subject to the provisions of subsection (5) the Registrar shall provisionally register in the Register of Independent Schools any independent school for the registration of which the proprietor thereof makes application in the prescribed manner and furnishes the prescribed particulars.

(5) No application under subsection (4) may be made in respect of an independent school where pursuant to the provisions of this Part, the proprietor is disqualified from being the proprietor of an independent school or the school premises are disqualified from being used as a school, or if the school premises are used or proposed to be used for any purpose for which they are disqualified by virtue of the provisions of this Part.

(6) The Registrar shall, as soon as may be after an independent school has been provisionally registered, cause the schools to be inspected and thereafter refer to the Independent Schools Committee—

- (a) the application for registration;
- (b) the particulars furnished;
- (c) the inspection report,

in relation to the school, for the recommendations of the Independent Schools Committee as to whether the school should or should not be registered under this Act.

(7) The Registrar shall, upon receipt of the recommendations of the Independent Schools Committee—

- (a) register the school finally in the Register of Independent Schools and give notice to the proprietor that the school has been registered; or
- (b) if the Independent Schools Committee is of opinion that the school is objectionable upon all or any of the grounds specified in subsection (1) of section 27, serve upon the proprietor a notice of complaint under that section.

(8) If after the expiration of six months from the 1st September, 1973 any person—

- (a) conducts an independent school (whether established before or after the 1st September, 1973) which is not a registered school or a provisionally

registered school or a school in respect of which an application has been made to the Registrar for provisional registration; or

- (b) being the proprietor of an independent school does any act calculated to lead to the belief that the school is a registered school while it is a provisionally registered school,

he shall be guilty of an offence against this section and shall be liable on summary conviction before a Resident Magistrate, in the case of a first conviction, to a fine not exceeding forty dollars, and in the case of a second or subsequent conviction, to a fine not exceeding one hundred dollars or to imprisonment with or without hard labour for a term not exceeding three months or to both such fine and such imprisonment.

26.—(1) There is hereby established an Independent Schools Committee whose duties shall be—

Independent
Schools
Committee.

- (a) to consider applications for registration of independent schools referred to the Committee by the Registrar;
- (b) to deal with representations made to the Committee in respect of notices of complaint served under section 27 and disqualifications arising therefrom,

and to make recommendations and give direction as the case may require to the Registrar in relation to such applications and representations.

(2) The provisions of the Third Schedule shall have effect as to the constitution of the Independent Schools Committee and otherwise in relation thereto.

Third
Schedule.

27.—(1) If at any time the Registrar is satisfied that any registered or provisionally registered school is objectionable upon all or any of the following grounds—

Notices of
complaint.

- (a) that the school premises, or any part thereof, are unsuitable for use as a school;
- (b) that the accommodation provided at the school premises is inadequate or unsuitable having regard to the number, ages, and sex of the students attending the school;
- (c) that efficient or suitable instruction is not being provided at the school having regard to the ages and sex of the students attending the school;
- (d) that the proprietor of the school or any teacher employed therein is not a proper person to be the proprietor of an independent school or to be a teacher in any school, as the case may be,

19/1980
S. 15.

19/1980
S. 15

the Registrar shall serve upon the proprietor of the school a notice of complaint stating the grounds of complaint together with full particulars of the matters complained of; and unless any of such matters are stated in the notice to be in the opinion of the Registrar irremediable, the notice shall specify the measures necessary in the opinion of the Registrar to remedy the matters complained of, and shall specify the time, not being less than six months after the service of the notice, within which such measures are thereby required to be taken.

(2) If it is alleged by any notice of complaint served under this section that any person employed as a teacher at the school is not a proper person to be a teacher in any school, that person shall be named in the notice and the particulars contained in the notice shall specify the grounds of the allegation, and a copy of the notice shall be served upon him.

(3) Every notice of complaint served under this section and every copy of such notice so served shall limit the time, not being less than one month after the service of the notice or copy, within which representations in respect

of the complaint may be made to the Independent Schools Committee under the provisions of section 28.

28.—(1) Any person upon whom a notice of complaint or a copy of such notice is served under section 27 may, within the time limited in that behalf by the notice, make representations in respect of the complaint to the Independent Schools Committee in the prescribed manner.

Determina-
tion of
complaints.

(2) The Independent Schools Committee shall, as soon as may be after representations in respect of any complaint are made to it, afford all parties concerned an opportunity of being heard, and after considering such evidence as may be tendered by them or on their behalf, may direct the Registrar—

- (a) to withdraw the complaint, but without prejudice to the duty of the Registrar to serve a further notice of complaint under section 27 if at any time he is of opinion that having regard to any change of circumstances he ought to do so; or
- (b) to notify the proprietor of the school in respect of which the notice of complaint was served that the school will be struck off the Register of Independent Schools on the specified date; or
- (c) to notify the proprietor of the school in respect of which the notice of complaint was served that the school will be struck off the Register of Independent Schools on the specified date unless the requirements of the notice of complaint, subject to such modifications, if any, as may be specified by the Committee are complied with to the satisfaction of the Registrar before the specified date; or
- (d) if the school premises or any part thereof are unsuitable for use as a school to notify the proprietor that such premises or part are disqualified from being so used after the specified date; or

19/1980
S. 16

- (e) if the accommodation provided at the school premises is inadequate or unsuitable having regard to the number, ages and sex of the students attending the school, to notify the proprietor that the premises are disqualified from being used on and after the specified date as a school for students of such age or sex, or exceeding such number, as may be specified in the notification;
- (f) if the proprietor of the school or any teacher employed therein is not a proper person to be the proprietor of an independent school or to be a teacher in any school, as the case may be, to notify the proprietor that on and after the specified date that person is disqualified from being the proprietor of any independent school or from being a teacher in any school.

(3) The Independent Schools Committee shall, in directing the Registrar to notify the proprietor of an independent school of any disqualification or any intention to strike the school off the Register of Independent Schools, specify the date, which shall not be earlier than six weeks from the date of the direction, from or on which the disqualification or striking off is to have effect and such date shall, in relation to that disqualification or striking off, be the specified date for the purposes of this Part.

(4) Where the Registrar is directed under subsection (2) to notify the proprietor of an independent school of any disqualification or any intention to strike the school off the Register of Independent Schools, the Registrar shall comply with the direction by serving forthwith upon such proprietor a notification in writing containing the particulars, including the specified date, given in the direction.

(5) If the Registrar is directed to notify the proprietor of an independent school that any person employed as a teacher at the school is disqualified from being a teacher

in any school, a copy of the notification shall be served on that person.

(6) Where the person upon whom a notice of complaint or a copy of such notice is served under section 27 does not, within the time limited in that behalf by the notice, make representations in respect of the complaint to the Independent Schools Committee, the Registrar shall request the Committee to give him directions and the Committee may, upon consideration of such information as it may require from the Registrar, give him any direction which it would have power to give if representations in respect of the complaint had been so made.

(7) Where any person is disqualified under this section either from being the proprietor of an independent school or from being a teacher in any school, then, unless the Independent Schools Committee otherwise directs, that person shall be deemed to be disqualified both from being the proprietor of an independent school and from being a teacher in any school.

29.—(1) The Registrar or any person aggrieved by any direction of the Independent Schools Committee under subsection (2) of section 28 may within twenty-one days after notification of that direction has been served on him appeal to the Minister in such manner as may be prescribed.

Appeal to
Minister.

(2) At the hearing of an appeal the Minister may—

- (a) dismiss the appeal and confirm the directions of the Independent Schools Committee; or
- (b) allow the appeal and set aside the directions of the Independent Schools Committee; or
- (c) set aside the directions of the Independent Schools Committee and give in substitution therefor such other directions as he may think proper.

(3) Where notice of appeal is duly given within the period prescribed by subsection (1)—

- (a) the withdrawal of complaint; or
- (b) the striking of any school off the Register of Independent Schools; or
- (c) any disqualification,

which would be the result of the direction in respect of which such notice of appeal is given shall await the determination or abandonment of the appeal.

**Enforce-
ment.**

30.—(1) Subject to the provisions of section 29, where a notification has been served in accordance with section 28 the Registrar shall, on the specified date—

- (a) if the notification specified any intention to strike a school off the Register of Independent Schools, so strike off the school, unless any requirements specified in the notification were complied with to his satisfaction before the specified date;
- (b) if the notification specified any disqualification, record in the Register of Independent Schools a memorandum of that disqualification.

(2) Any person who—

- (a) uses any premises for any purposes for which it is disqualified; or
- (b) acts as the proprietor of an independent school or accepts or endeavours to obtain employment as a teacher in any school while he is disqualified from being a teacher in any school,

shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate, in the case of a first conviction, to a fine not exceeding forty dollars, and in the case of a second or subsequent conviction, to a fine not exceeding one hundred dollars or to imprisonment with or

without hard labour for a term not exceeding three months or to both such fine and such imprisonment.

(3) A prosecution for an offence under this section shall not be instituted without the sanction of the Director of Public Prosecutions.

31.—(1) Where pursuant to the provisions of this Part any school is struck off the Register of Independent Schools or any disqualification is imposed, any person may make representations to the Independent Schools Committee that by reason of any change of circumstances set out in the representations the name of the school ought to be restored to the Register of Independent Schools or the disqualification ought to be removed, as the case may require, and the Committee shall consider such representations and give to the Registrar such directions as it considers just.

Removal of disqualifications.

(2) Any person aggrieved by any decision of the Independent Schools Committee may appeal to the Minister in the manner and within the time specified in section 29, and subsection (2) of that section shall have effect in relation to such appeal.

PART V. *Registration and Discipline of Teachers*

32.—(1) The Commission shall have power to deal with—

- (a) the registration of teaching personnel and matters related thereto;
- (b) the discipline of teaching personnel and matters related thereto; and
- (c) the assessment of qualifications and any other matter of a professional nature referred to the Commission by the Minister.

Functions of the Teachers Service Commission, 19/1980 S. 17.

(2) The Commission shall also advise the Minister—

- (a) on matters relating to the appointment of principals;

- (b) if requested by the Minister to do so, on matters relating to the appointment of vice-principals and teachers to posts of special responsibility; and
- (c) on any other matter that the Commission may wish to bring to the attention of the Minister or which the Minister may refer to the Commission for its advice and guidance in the discharge of any of his duties under this Act.

Persons who may teach in a public educational institution. 19/1980 S. 17.

33. A person shall not teach or be employed as a teacher in a public educational institution unless he is registered—

- (a) as a trained teacher;
- (b) as a pre-trained teacher; or
- (c) as an authorized teacher.

Registration of teachers. 19/1980 S. 17.

34.—(1) The Commission shall cause to be kept a Register of Teachers in which shall be registered the particulars concerning every person who is a registered teacher.

(2) Every application to the Commission for registration as a teacher shall be made in the prescribed manner and shall be accompanied by such documents as may be prescribed.

Grounds for refusal of registration. 19/1980 S. 17.

35.—(1) A person shall not be registered as a teacher—

- (a) if he does not possess the prescribed qualifications;
- (b) if he does not establish that he is of good character;
- or
- (c) if within a period of six months immediately preceding the date of his application—
 - (i) he had been refused registration as a teacher by the Commission; or
 - (ii) his registration as a teacher has been cancelled by the Commission.

(2) In deciding whether a person has established that he is of good character, regard shall be had to any criminal offence of which he may have been convicted, and to all the circumstances thereof and to the life and conduct of such person subsequent to the conviction.

(3) The Commission may refuse to register any person as a teacher—

- (a) if he suffers from any physical or mental defect or deformity likely to interfere with the practice of teaching;
- (b) if he has been convicted of any criminal offence of such a nature as to render him, in the opinion of the Commission, not a proper person to be a teacher in any school; or
- (c) if he has in any application for registration as a teacher made any statement or furnished any information which he knew to be false in any material particular.

36.—(1) Subject to subsection (3), the Minister may, after consultation with the chairman of the Commission, direct the Commission to record in the Register of Teachers under a special column to be headed “authorized teachers”, the name of any person who would otherwise be refused registration as a teacher on the ground that he does not possess the prescribed qualifications, and the Commission shall give effect to such direction.

Authorized
teachers.
19/1980
S. 17.

(2) Registration as an authorized teacher shall in no circumstances exceed six years.

(3) The Minister may not direct the registration as an authorized teacher of any person whose name is struck off the Register of Teachers.

37.—(1) There shall be an Appeals Tribunal established for the purposes of hearing appeals from the Commission

Appeals
Tribunal.
19/1980
S. 17.

and appeals from disciplinary decisions by a Board of Management of any public educational institution.

Fourth
Schedule.

(2) The provisions of the Fourth Schedule shall have effect as to the constitution of the Appeals Tribunal and otherwise in relation thereto.

(3) Any person who is aggrieved by the refusal of the Commission to register him as a teacher or by any decision taken by the Commission pursuant to section 38 or by any disciplinary decision taken by the Board of Management of any public educational institution may appeal to the Appeals Tribunal within such time and in such manner as may be prescribed.

(4) The Appeals Tribunal may, on an appeal under subsection (3), either confirm the decision appealed against or vary or quash that decision, and the Tribunal may from time to time return the proceedings to the person or authority concerned with the making of that decision for further information or for such other action as the Tribunal thinks just.

Disciplinary
penalties.
19/1980
S. 17.

38.—(1) If any teacher is found in disciplinary proceedings conducted in the prescribed manner by the Commission, to be guilty of professional misconduct, the Commission may—

- (a) admonish him;
- (b) censure him;
- (c) recommend that he be demoted;
- (d) suspend his registration for a period not exceeding one year; or
- (e) cause his name to be struck off the Register of Teachers.

(2) If any teacher is found in disciplinary proceedings conducted against such teacher in the prescribed manner, to have been convicted of a criminal offence of such a nature as to render him, in the opinion of the Commission,

not a proper person to be a teacher in any school, the Commission may, if it thinks fit, cause his name to be struck off the Register of Teachers.

(3) In any action or other legal proceedings brought against any member of the Commission, in respect of any act done in pursuance or execution, or intended execution of this Act, the plaintiff shall not recover unless he alleges in his pleadings and proves at the hearing, that such act was done either maliciously, or without reasonable or probable cause.

(4) Any person who is refused registration as a teacher or whose name has been struck off the Register of Teachers, may after the expiration of six months from the date of such refusal or cancellation, as the case may be, re-apply for registration as a teacher and in dealing with such application the Commission shall have regard to all the provisions of section 35.

PART VI. *General*

39.—(1) The Minister may cause any educational institution to be inspected at such intervals as he may think fit by persons authorized by him in that behalf and the Minister shall cause a special inspection of any such institution to be carried out whenever it appears to him that such special inspection is desirable.

Inspection
of educa-
tional
institutions.

(2) Any person who prevents a person authorized to carry out any inspection under this section from carrying out such inspection or obstructs him in the course of such inspection shall be guilty of an offence against this section and shall be liable on summary conviction before a Resident Magistrate, in the case of a first conviction, to a fine not exceeding forty dollars, and in the case of a second or subsequent conviction, to a fine not exceeding one hundred dollars or to imprisonment with or without hard labour for

a term not exceeding three months or to both such fine and such imprisonment.

(3) A prosecution for an offence under this section shall not be instituted without the sanction of the Director of Public Prosecutions.

Enquiry into management of endowed institutions.

40.—(1) The Minister may from time to time cause enquiry to be made and evidence to be taken touching the management of any endowed educational institution and the application of its property and income.

(2) The person directed to hold an enquiry under this section shall have the powers and privileges of Commissioners under sections 10 and 11 of the Commissions of Enquiry Act (giving Commissioners powers to summon and examine witnesses and relating to the duty of witnesses summoned, their expenses, and penalty for contumacy or insult).

Approval required for disposal of property included in endowment.

41.—(1) Notwithstanding anything to the contrary contained in any trust, directions or provisions which affect the endowment of any endowed educational institution any property included in such endowment shall not be encumbered or sold or otherwise disposed of except with the prior approval in writing of the Minister.

(2) Any person aggrieved by the refusal of the Minister to give his approval under subsection (1) may appeal therefrom to a Judge in Chambers.

Certificate of age.

42. Where the age of any person is required to be ascertained or proved for the purposes of this Act or any regulations made thereunder or for any purpose connected with the education of such person, then, notwithstanding anything contained in the Registration (Births and Deaths) Act, any person shall upon making application to the Registrar-General in the prescribed form and upon payment of the prescribed fee which shall not exceed ten cents,

be entitled to obtain from the Registrar-General a certified copy of the entry in the general register of births relating to the person whose age is required to be ascertained or proved.

43.—(1) The Minister may make regulations generally Regulations. for the proper carrying out of the purposes and provisions of this Act and in particular but without prejudice to the generality of the foregoing may make regulations—

- (a) for the management and conduct of public educational institutions;
- (b) specifying the powers and duties of Boards of Management of public educational institutions and of Educational Boards; 19/1980
S. 18(a).
- (c) prescribing, subject to such exemptions as may be specified, the standards to which the premises of educational institutions shall conform;
- (d) with respect to the purposes for which the premises of educational institutions may be used;
- (e) prescribing the amounts to be paid by way of grants-in-aid or otherwise to any educational institution or any class of educational institution specified in such regulations, and the conditions subject to which any such amounts shall be paid; 19/1980
S. 18(b).
- (f) with respect to the appointment, terms of employment, disciplinary control and payment of salaries of teachers and other personnel in public educational institutions; 19/1980
S. 18(c).
- (g) governing the admission of students to public educational institutions and the discipline of such Students; 19/1980
S. 18(d).
- (h) specifying, in respect of public educational institutions, the curriculum of study to be observed, the examinations to be taken by students, and such other matters as the Minister may think fit in 19/1980
S. 18(d).

relation to the grant of certificates of competency to students who pass such examinations;

- (i) providing for the award of scholarships, exhibitions, bursaries and other financial assistance including loans for further education and higher education and specifying the conditions subject to which such scholarships, exhibitions and bursaries shall be held or any other financial assistance shall be given;
- (j) prescribing the particulars to be furnished to the Registrar by the proprietors of independent schools, providing for the notification to the Registrar of any changes in the particulars so furnished, and specifying the circumstances in which the Independent Schools Committee may direct the Registrar to strike any independent school off the Register of Independent Schools in the event of the Registrar being unable to obtain sufficient particulars thereof;
- (k) defining the several categories of students requiring special educational treatment and making provision as to the special treatment appropriate to the students of each category;
- (l) prescribing the manner in which disciplinary proceedings may be instituted before the Commission against registered teachers the procedure to be followed in the conduct of such proceedings and matters incidental to or consequential on such proceedings;
- (m) prescribing the manner of appealing to the Minister and the Tribunal, and as to the proceedings in any such appeal and matters incidental to or consequential on such proceedings;
- (n) prescribing anything requiring to be prescribed under this Act;

19/1980
S. 18(d).

19/1980
S. 18(e).

(o) with respect to such other matters as may be incidental to or connected with the foregoing.

(2) Regulations made under this section shall be subject to negative resolution.

(3) The Minister may cause all or any of the regulations made under this section to be bound in a book to be called the Code of Regulations and thereafter the Minister may, at such times as it may seem to him that by reason of any amendment in the regulations the Code of Regulations ought to be amended or re-printed, direct such amendment to be made or such re-printing to be done.

44. In the exercise and performance of the functions assigned to him by this Act, the Minister shall have regard to the general principle that, so far as is compatible with the provision of efficient instruction and training, and the avoidance of unreasonable public expenditure, the wishes of parents are to be considered in the education of students.

Wishes of
parents to
be con-
sidered
in education
of students.
19/1980
S. 19

FIRST SCHEDULE

The Teachers Service Commission

19/1980
S. 20
Constitu-
tion of
the Com-
mission.

1.—(1) The Commission shall consist of nineteen members appointed by the Minister in the following manner, that is to say—

- (a) nine members (hereinafter referred to as ordinary members) appointed by the Minister in his discretion;
- (b) ten members appointed by the Minister (hereinafter referred to as nominated members) whom—
 - (i) six shall be persons nominated by teachers associations recognized by the Minister; and
 - (ii) four shall be persons nominated by any body of persons recognized by the Minister as representing owners of educational institutions.

(2) Each nominating body shall as soon as possible after the enactment of the Education (Amendment) Act, 1980, furnish to the Minister the names of the persons whom they nominate for appointment under sub-paragraph (1) (b).

(3) A nominating body may at any time by instrument in writing addressed to the Minister cancel the nomination of any person nominated by it.

(4) Whenever pursuant to sub-paragraph (3) the occasion requires, the nominating body shall submit to the Minister the name of an additional person in place of any person whose nomination has been cancelled.

(5) In this Schedule “nominating body” means any body authorized under this paragraph to nominate persons for appointment as members of the Commission.

Grant of
leave of
absence to
members.

2. The Minister on the application of any member of the Commission may grant to such member leave of absence for any period not exceeding six months and may appoint some other person to act as a member during the period of leave of absence so granted:

Provided that where leave of absence is granted to a nominated member, a person nominated by the nominating body concerned in accordance with the provisions of paragraph 1 shall be appointed to act.

Tenure of
office and
filling of
vacancies.

3.—(1) Subject to the provisions of this Schedule, a member of the Commission shall hold office for a period of three years and each member shall be eligible for reappointment.

(2) If any vacancy occurs in the membership of the Commission such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was

appointed, so, however, that such appointment shall be made in the same manner and from the same category of persons, if any, as the appointment of the previous member.

4.—(1) The Minister shall appoint one of the ordinary members of the Commission to be the chairman thereof. Chairman and vice-chairman.

(2) The members of the Commission shall elect from among themselves a vice-chairman who shall serve as such for a period of one year and shall be eligible for re-election as vice-chairman.

(3) In the case of the absence or inability to act of the chairman the vice-chairman shall exercise the functions of the chairman.

(4) In the case of the absence or inability to act at any meeting of both the chairman and vice-chairman the remaining members shall elect one of their number to act as chairman of that meeting and, for that purpose, shall be deemed to constitute a quorum.

5. The Minister may at any time revoke the appointment of the chairman or any other member of the Commission if he considers it expedient so to do: Revocation of appointment.

Provided that—

- (i) he shall not revoke the appointment of a nominated member except after consultation with the nominating body which nominated that member; and
- (ii) whenever a nominating body has, in accordance with the provisions of this Schedule, cancelled the nomination of a person who has been appointed a nominated member he shall revoke the appointment of that member.

6.—(1) A member of the Commission, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Commission. Resignation of members.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect from the date of the receipt of such instrument by the Minister.

7. The names of all members of the Commission as first constituted and every change in the membership thereof shall be published in the *Gazette*. Gazetting of appointments.

8. The Commission shall be deemed to be properly constituted for the purposes of this Act notwithstanding any vacancy amongst the members or any defect in the appointment of a member thereto. Constitution not affected by vacancy.

9.—(1) The Commission shall have power to appoint a Disciplinary Committee, an Appointments Committee and such other committees as it may consider necessary from time to time and each such committee shall, subject to the directions of the Commission, have power to regulate its own proceedings. Power to appoint committees.

(2) *The Commission may delegate to any committee the power and authority to carry out on its behalf such functions as the Commission may determine, so, however, that any such delegation shall be without prejudice to the performance of those functions by the Commission.*

Procedure and meetings.

10.—(1) *The Commission shall in each school year meet at least once in every term and at such other times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the Commission may determine.*

(2) *The chairman may at any time call a special meeting of the Commission and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by any two members of the Commission.*

(3) *The chairman or, in the case of the absence or inability to act of the chairman, the vice-chairman or the person elected to act as chairman, in accordance with the provisions of sub-paragraph (4) of paragraph 4, shall preside at the meetings of the Commission, and when so presiding the chairman, vice-chairman or the person elected as aforesaid to act as chairman, as the case may be, shall have an original and a casting vote.*

(4) *Subject to the provisions of this Schedule the Commission may regulate its own proceedings.*

(5) *The validity of any proceedings of the Commission shall not be affected by any vacancy amongst the members of the commission or by any defect in the appointment of a member thereof.*

11. *The quorum of the Commission shall be six including the chairman or the vice-chairman or the person elected to act as chairman under paragraph 4 (4), not less than two of the members appointed under paragraph 1 (1) (a), and at least one member from each category of members appointed under paragraph 1 (1) (b).*

Decision by a majority vote.

12. *The decision of the Commission or of a committee appointed by it shall be by a majority of votes of the members present and voting and forming a quorum and in addition to an original vote the chairman or any person presiding at a meeting shall have a casting vote in any case in which the voting is equal.*

Remuneration of members.

13. *There shall be paid to the chairman and other members of the Commission such remuneration, if any (whether by way of salaries or travelling or other allowances) as the Minister may determine.*

Protection of Commission.

14. *Notwithstanding anything to the contrary no act done or proceeding taken under this Act by the Commission shall be questioned on the ground of any omission, defect or irregularity not affecting the merits of the case.*

Protection of members of the Commission.

15. *No member of the Commission shall be personally liable for any act or default of the Commission done or omitted to be done in good faith in the course of the operation of the Commission.*

[The inclusion of this page is authorized by L.N. 17/1982]

SECOND SCHEDULE

(Section 8)

Constitution and Procedure of Educational Boards

1. Each Educational Board shall consist of not less than seven persons and shall bear such name as the Minister may direct. Constitution.
2. The members of each Educational Board shall be appointed by the Minister and, subject to the provisions of this Schedule, shall hold office for such period, not exceeding three years, as the Minister may determine, but shall be eligible for reappointment. Appointment of members.
3. The members of each Educational Board shall annually appoint a chairman and a vice-chairman from among their number. Chairman and vice-chairman.
- 4.—(1) Any member of an Educational Board, other than the chairman, may resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of such Educational Board. Resignations.
- (2) The chairman of an Educational Board may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt by the Minister of such instrument.
5. The Minister may at any time revoke the appointment of any member of an Educational Board if he thinks it expedient so to do. Revocation of appointments.
6. In the case of the absence or inability to act of any member of an Educational Board, the Minister may appoint any person to act temporarily in the place of such member. Temporary appointments.
- 7.—(1) Where the chairman of an Educational Board proposes to leave the Island temporarily, or where any other member notifies the chairman in writing that he proposes to leave and to be absent from the Island for a period specified in the notification, the chairman shall so inform the Minister, stating the proposed period of absence. Member leaving the Island.
- (2) Any member of an Educational Board who leaves the Island without complying with the requirements of this paragraph shall *ipso facto* vacate his seat.
8. Any member of an Educational Board who fails to attend three consecutive meetings of such Board without excuse acceptable to the Board shall cease to be a member thereof. Forfeiture of membership.
9. If any vacancy occurs in the membership of any Educational Board, such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed, so, however, that such appointment shall be made in the same manner and from the same category of persons if any, as the appointment of the previous member. Filling of vacancies.

[The inclusion of this page is authorized by L.N. 17/1982]

Gazetting
of appoint-
ments.

10. The name of each Educational Board and the names of all members thereof shall, as soon as practicable after such Board is first constituted, be published in the *Gazette*, and every change in the membership thereof shall be so published.

Procedure
and meet-
ings.

11.—(1) Subject to the provisions of this paragraph each Educational Board may make by-laws for the conduct of its business, the regulation of its proceedings and the times and places of its meetings, but no such by-law shall have effect unless and until it has been approved by the Minister.

(2) The chairman of an Educational Board may at any time call a special meeting of the Board and shall call such meeting within fourteen days of a requisition for that purpose addressed to him by any five members of the Board.

(3) The chairman of an Educational Board, or in his absence the vice-chairman, shall preside at the meetings of the Board, and in the case of the absence of both the chairman and the vice-chairman, the members present and constituting a quorum shall elect a temporary chairman from among their number.

(4) The quorum of each Educational Board shall be five, including the chairman or any other member presiding at the meeting.

(5) The Minister may be represented at any meeting of an Educational Board by such persons as he may authorize to represent him at meetings, and such persons may take part in the proceedings of the Board at the meeting but shall not vote on any matter.

(6) Each Educational Board may delegate to any member or committee thereof the power and authority to carry out on its behalf such duties as such Educational Board may determine.

Minutes.

12. Minutes in proper form shall be kept of the proceedings of each Educational Board.

Remunera-
tion of
members.

13. There shall be paid to the chairman and other members of each Educational Board such remuneration whether by way of honorarium, salary or fees and such allowances as the Minister may determine.

Office of
chairman
and mem-
bers not
public
offices.

14. The office of chairman or member of an Educational Board shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

THIRD SCHEDULE

(Section 26)

Constitution and Procedure of the Independent Schools Committee

Constitu-
tion of the
Independ-
ent
Schools
Committee.

1. The Independent Schools Committee shall consist of three members, being persons who have had such experience in teaching or in the conduct, management or administration of educational institutions as the Minister considers suitable, and two other members who shall be representatives of professional teachers' associations recognized by the Minister and shall be nominated by such associations in a manner approved by the Minister.

2.—(1) The members of the Independent Schools Committee shall be appointed by the Minister and shall hold office for such period, not exceeding two years, as the Minister shall determine and shall be eligible for reappointment.

Appointment and tenure of office of members.

(2) The Minister shall appoint one member of the Committee to be the chairman thereof.

3. The Minister may, if he thinks it expedient so to do, at any time revoke the appointment of the chairman or any other member of the Independent Schools Committee.

Revocation of appointments.

4. In the case of the absence or inability to act of any member, the Minister may appoint any person to act temporarily in the place of such member.

Temporary appointments.

5.—(1) Any member of the Independent Schools Committee other than the chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Committee.

Resignations.

(2) The chairman of the Independent Schools Committee may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.

6. If any vacancy occurs in the membership of the Independent Schools Committee such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed, so, however, that such appointment shall be made in the same manner and from the same category of persons as the appointment of the previous member.

Filling of vacancies.

7. The names of the members of the Independent Schools Committee as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Publication of membership.

8. The quorum of the Independent Schools Committee at any meeting shall be three.

Quorum.

9. There shall be paid to the chairman and other members of the Independent Schools Committee such remuneration whether by way of honorarium, salary or fees and such allowance as the Minister may determine.

Remuneration of members.

10. The office of chairman or other member of the Independent Schools Committee shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

Office of members not to be public office.

General power to regulate procedure.

11. Subject to the provisions of this Schedule the Independent Schools Committee shall have power to regulate its own procedure.

19/1980
S. 21

FOURTH SCHEDULE

THE APPEALS TRIBUNAL

Constitution of the Appeals Tribunal

Constitution of the Tribunal.

1. The Appeals Tribunal (hereinafter called the Tribunal) shall consist of a chairman and two other members, one of whom shall be an attorney-at-law, appointed by the Minister and the other shall be a representative of professional teachers' associations recognized by the Minister and nominated by such associations in a manner approved by the Minister.

Appointment and tenure of office of members.

2. The chairman and other members of the Tribunal shall be appointed by the Minister and shall hold office for such period not exceeding two years, as the Minister shall determine and shall be eligible for reappointment.

Revocation of appointment.

3. The Minister may, if he thinks it expedient so to do, at any time revoke the appointment of the chairman or any other member of the Tribunal.

Temporary appointments.

4. (1) In the case of the absence or inability to act of the chairman of the Tribunal, the Minister may appoint any person to act temporarily as chairman.

(2) In the case of the absence or inability to act of any member of the Tribunal other than the chairman, the Minister may appoint any person to act temporarily in the place of such member.

Resignation.

5. (1) Any member of the Tribunal, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Tribunal.

(2) The chairman of the Tribunal may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.

Filling of vacancies.

6. If any vacancy occurs in the membership of the Tribunal such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed, so, however, that such appointment shall be made in the same manner and from the same category of persons, if any, as the appointment of the previous member.

7. The names of members of the Tribunal as first constituted and every change in the membership thereof shall be published in the *Gazette*. Publication of membership.

8. There shall be paid to the chairman and other members of the Tribunal such remuneration whether by way of honorarium, salary or fees and such allowances as the Minister may determine. Remuneration of members.

9. The decision of the Tribunal shall be by a majority of votes of the members present and voting and, in addition to an original vote, the chairman shall have a casting vote in any case in which the voting is equal. Voting.