

## CHAPTER 41

### EDUCATION

1981-25

This Act came into operation on 1st January, 1983 by Proclamation (1983-71).

#### Amended by:

*1983-19*

*1995-23*

*2002-9*

*1984-35*

*1996-13*

*1990-21*

*2001-21*

#### Law Revision Orders

*The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:*

1985

1997

1991

2002

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#### Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument



## CHAPTER 41

### EDUCATION 1981-25

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**BARBADOS**EDUCATION  
1981-25

*An Act to repeal the Education Acts, Cap. 41 and Cap. 41A, and to provide for a co-ordinated and effective system of education related to the needs of the people of Barbados, the registration of private schools and private educational institutions, and for related matters.*

[Commencement: 1st January, 1983]

## CITATION

**Short title**

1. This Act may be cited as the *Education Act*.

## INTERPRETATION

**Definitions**

- 2.(1) For the purposes of this Act

“assisted private educational institution” means any private educational institution that is in receipt of assistance under this Act;

“assisted private school” means any private school that is in receipt of assistance under Part III;

“child” means a person under the age of 17 years;  
*[1995-23]*

“Commission” means the National Advisory Commission on Education established by section 6;

“composite school” means a school that provides both primary and secondary education, but does not include a secondary school in a department of which primary education is provided;

“compulsory school age” means from 5 years of age to 16 years of age;  
*[1995-23]*

“conscience clause” means section 54;

“educational institution” means any school, technical institution, training centre or teachers college, but does not include the University of the West Indies, Codrington College or such other institution as the Minister prescribes under subsection (4);  
*[1983-19]*

“endowed educational institution” means any educational institution that is, wholly or in part, maintained by an endowment, but does not include

- (i) an educational institution the endowment of which is applicable and is applied solely for the education of persons being trained to be ministers of any religious denomination; or
- (ii) an educational institution that is maintained, wholly or in part, out of annual voluntary subscription and has no endowment other than the premises of the educational institution;

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

“primary pupil” means a pupil who at the beginning of the school year has attained the age of 5 years but who has not attained the age of 12 years, and who has not yet gained admittance to a secondary school;

[1995-23]

“primary school” means a school that provides primary education;

“private educational institution” means an educational institution that is provided and maintained by a person other than the Government;

“private school” means a school that is provided and maintained by a person other than the Government;

“proprietor”, in relation to a private school or private educational institution, means any person who maintains that school or institution;

“public educational institution” means an educational institution that is wholly or mainly maintained at the public expense;

“public school” means a school that is wholly or mainly maintained at the public expense and to which the public has, subject to this Act, unconditional access;

“pupil” means a person of any age for whom education is provided under this Act;

“school” means an institution that provides primary or secondary education;

“school hours” means the period during which attendance is required at school under this Act or the regulations;

“school year” means such period not exceeding 12 months as under section 20(3) may be prescribed as a school year;

“secondary pupil” means a pupil who has gained admittance to a secondary school;

[1995-23]

“secondary school” means a school that provides mainly secondary education;

“senior school” means a school that provides remedial and prevocational education for the pupils of secondary school age;

*[1990-21]*

“technical institution” means any school or other institution that provides for studies, training or research in technology, science, commerce or art;

“tertiary institution” means an institution that provides mainly tertiary education;

“training centre” means an institution that provides education and training in any vocation requiring manual skill;

“teachers college” means an institution in which teachers are trained.

(2) Where by this Act or any enactment made under this Act, the Minister or the Chief Education Officer is required, or permitted or is otherwise to perform any function, the Minister or the Chief Education Officer, as the case may be, may in writing authorise a public officer to perform the function.

*[1984-35]*

(3) Nothing in this Act prevents the Minister from making provision for more than one stage of education in the same school or institution.

(4) For the purposes of this Act, the Minister may by order prescribe the institutions that shall not be educational institutions.

*[1983-19]*

(5) The Minister may give general or special directions in writing to any person respecting the Minister’s functions under this Act and that person shall carry out the Minister’s directions.

*[1984-35]*

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STATEMENT OF PURPOSE

**Statement of purpose**

**2A.** The purpose of this Act is to provide a varied and comprehensive educational system in Barbados characterised by excellence.

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[1990-21]

PART I

CENTRAL ADMINISTRATION

**General functions of the Minister**

- 3.** The functions of the Minister are
- (a) to promote the education of the people of Barbados and to establish and develop institutions for that purpose;
  - (b) to frame an educational policy designed to give effect to the purpose of this Act;  
[1990-21]
  - (c) to ensure the effective execution of the educational policy of the Government;
  - (d) to establish a co-ordinated educational system organised in accordance with this Act; and
  - (e) to contribute toward the spiritual, moral, mental, physical, social, cultural and economic development of the community by ensuring that efficient education is available to meet the needs of Barbados.  
[1990-21]

**Particular functions of the Minister**

4. Without affecting section 3, the Minister may
- (a) establish schools in such places as he thinks fit and determine the classification of those schools and make provision for admission and transfer of pupils to those schools;
  - (b) maintain or assist in maintaining schools, whether established by him or otherwise;
  - (c) establish, maintain or assist in maintaining such teachers colleges or other institutions as he considers necessary for the training of teachers, and take such other action as he considers necessary to ensure that the requirements for teachers in public educational institutions are satisfied;
  - (d) establish, maintain or assist in maintaining such training centres and technical institutions as he considers necessary for fulfilling the requirements for technical and vocational education and training;  
*[1990-21]*
  - (e) establish and maintain or assist in establishing and maintaining such institutions or other facilities for tertiary, adult and special education as he considers necessary;
  - (f) render, subject to such conditions as may be prescribed, to any pupil or class of pupils such forms of assistance as the Minister considers necessary for enabling the pupil or class of pupils to take full advantage of the educational facilities available;
  - (g) provide for the grant of scholarships, exhibitions, bursaries and other financial assistance, including loans for tertiary education; and



- (h) make provision for the examination and testing of pupils and the award of certificates, associate degrees, diplomas and degrees.

[1990-21]

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[1984-35]

### **Zoning**

**4A.(1)** The Minister may by order divide Barbados into zones for the purposes of the admission and transfer of pupils to public schools and assisted private schools.

(2) Subject to the provisions of the order, every pupil shall attend a public school or assisted private school in the zone in which his residence is located.

(3) The residence of a pupil shall be determined by the residence of his parents or guardian.

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[1995-23]

### **Functions of Chief Education Officer**

**5.** The Chief Education Officer has

- (a) the functions conferred on him by this Act; and  
(b) such other functions as the Minister assigns.

### **National Advisory Commission on Education**

**6.(1)** The National Advisory Commission on Education is established by this Act.

(2) The *First Schedule* has effect with respect to the Constitution of the Commission and otherwise in relation thereto.

(3) The Commission shall advise the Minister

- (a) on such matters connected with education as the Commission thinks fit; and

- (b) on such matters connected to the functions of the Minister under this Act as the Minister refers to it.

### **Special committees**

7.(1) Notwithstanding section 6, the Minister may establish such special committees as he considers necessary to advise him with respect to the performance of his functions.

- (2) A special committee comprises such members as the Minister appoints.
- (3) A special committee has such duties as the Minister specifies.
- (4) The Minister may refer any matter to a special committee, notwithstanding that the Commission has considered or has power to consider that matter.

### **Expenses**

8. The expenses of administering this Act are payable out of moneys voted by Parliament for the purpose.

## PART II

### THE SYSTEM OF PUBLIC EDUCATION

#### *DIVISION I*

#### *Stages of Public Education*

### **Interpretation**

9. For the purposes of this Act
- (a) “adult education” means
- (i) continued education; and
- (ii) training activities organised on a part-time basis

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suitable to the requirements of persons over compulsory school age and designed to enhance knowledge, skills, attitudes or cultural awareness, but does not include tertiary education;

- (b) “pre-primary education” means education provided either within a primary school or in an institution specially designed for that purpose and suitable to the needs of children 3 years of age or older but under 5 years of age;
- (c) “primary education” means full-time education suitable to the requirements of primary pupils;
- (d) “secondary education” means full-time education suitable to the requirements of secondary pupils;
- (e) “special education”
  - (i) means education suitable to the requirements of persons who are mute, deaf, blind or otherwise physically or psychologically disabled or mentally retarded; and
  - (ii) includes education suitable to the requirements of pupils who are gifted or have exceptional ability;
- (f) “tertiary education” means
  - (i) education suitable to the requirements of persons over compulsory school age who are not enrolled for secondary education in any school, or, if enrolled in a secondary school, have completed a course of secondary education; and
  - (ii) university education and instruction normally available at institutions for teacher training, vocational training and technical training.

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[1990-21]

**Stages of public education**

**10.(1)** Public education is in three stages, that is to say,

- (a) primary education,
- (b) secondary education, and
- (c) tertiary education.

(2) The Minister may, in addition to the 3 stages of public education mentioned in subsection (1), provide as part of the system of public education

- (a) pre-school education,
- (b) special education,
- (c) adult education, and
- (d) education and training in the Schools established under the *Reformatory and Industrial Schools Act, Cap. 169*;  
*[1990-21]*
- (e) such education and training cooperation or association with penal institutions and rehabilitation centres as the institutions or centres may require; and
- (f) any other category of education that is necessary.

***DIVISION 2******Management of Primary, Composite and Senior Schools***

*[1990-21]*

**Application**

**11.** This division applies to all primary, composite and senior schools maintained out of moneys voted by Parliament.

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*[1990-21]*

**Management of primary, composite and senior schools**

**12.** All schools to which this Division applies are under the control and management of the Minister.

**School committees**

**13.(1)** For the purposes of this Division, the Minister may appoint school committees to advise on, and assist with, the management of schools to which this Division applies.

(2) A school committee appointed under this section must consist of not less than 3 persons, and in addition to the functions specified in subsection (1) a school committee has such other functions as are prescribed.

(3) A school committee may be appointed under this section to advise on, and assist with, the management of more than one school.

**Additional powers of Minister regarding management of schools**

**14.(1)** Without affecting section 13, where the Minister considers it expedient, he may, by order in the case of any particular school, provide for a scheme of management for that school.

(2) The Minister may, in a scheme of management mentioned in subsection (1), provide for the management of more than one school.

*DIVISION 3**Management of Public Secondary Schools*

*[Division 3, ss. 15 to 21, came into operation on 31st May, 1983 by S.I. 1983/71.]*

**Interpretation**

**15.** For the purposes of this Division “public secondary school” means a secondary school that is mainly or wholly maintained out of moneys voted by Parliament.

**Management of public secondary schools**

**16.(1)** For the purposes of this Division, the Minister may by order establish Boards of Management for the management of public secondary schools.

(2) The *Second Schedule* has effect with respect to the constitution and procedure of any Board of Management established by an order under subsection (1) and otherwise in relation thereto.

(3) An order made under subsection (1) may provide for the management by 1 Board of Management of not more than 2 schools.

(4) An order made under subsection (1) is subject to affirmative resolution.

**General functions of Boards of Management**

**17.** For the purposes of this Act, a Board of Management established pursuant to section 16 is a body corporate to which, subject to this Act, section 21 of the *Interpretation Act*, Cap. 1 applies and in relation to the school for which it is established, the Board of Management

- (a) is responsible for implementing the Minister's policy and for that purpose may give directions of a general nature to the principal;  
*[1990-21]*
- (b) shall receive, disburse and account for the expenditure of moneys voted by Parliament for the operation of the school;
- (c) may, subject to this Act,
  - (i) employ persons of such categories, in such numbers and on such terms and conditions as may be prescribed; and
  - (ii) dismiss and otherwise exercise disciplinary control over those persons;
- (d) may receive in its corporate name, in trust for the people of Barbados towards the advancement of secondary education any estate or

property, real or personal, whether by way of devise, bequest, legacy or in any other manner;

- (e) may make recommendations to the Minister with regard to any matter directly or indirectly affecting any school or the development of secondary education generally;
- (f) may appoint committees consisting wholly or partly of members of the Board;
- (g) may make standing orders for the conduct of its business or the business of any of its committees;
- (h) shall, subject to the directions of the Minister, ensure the effective management of a programme of adult education in accordance with the regulations;  
*[2002-9]*
- (i) may perform such other functions in relation to the school as the Minister requires to be performed or as may be prescribed.  
*[2002-9]*

### **Funds and resources of Boards**

**18.** The funds and resources of Boards of Management are

- (a) moneys voted for the purposes of the Boards by Parliament; and
- (b) moneys or property payable to or vested in the Boards in respect of any matter incidental to their functions.

### **Accounts and audits**

**19.(1)** Every Board of Management shall keep proper accounts of its transactions, and the accounts must be audited annually by an auditor appointed by the Board with the approval of the Minister.

- (2) The Auditor-General is entitled, at the request of the Minister or on the initiative of the Auditor-General, to carry out at any time an investigation into, or a special audit of, the accounts of any Board of Management.
- (3) The members and employees of a Board of Management
- (a) shall grant to
    - (i) the Auditor-General;
    - (ii) the auditor appointed under subsection (1); or
    - (iii) any authorised member of the staff of the persons referred to in sub-paragraphs (i) and (ii),access to all books, documents, moneys and property of the Board; and
  - (b) shall give to the person referred to in paragraph (a) such information as might be within the knowledge of the members and employees of the Board in relation to the operations of the Board.

**Annual report, statement of accounts and estimates**

- 20.(1)** Every Board of Management shall submit to the Minister
- (a) within 6 months after the end of each school year, or within such further time as the Minister allows, a report on the activities of the Board during that school year;
  - (b) not later than the 30th September in each year, or such later date as the Minister approves, a statement of its accounts, audited in accordance with section 19, for the financial year ending in that year;  
*[1984-35]*
  - (c) on or before the 31st August in each year, its estimates of revenue and expenditure for the several schools under the control of the Board in respect of the next financial year,
- for the approval of the Minister.



- (2) Copies
- (a) of the report mentioned in paragraph (a) of subsection (1); and
  - (b) of the statement of accounts mentioned in paragraph (b) of that subsection, with a report on that statement,
- are to be laid in the Senate and House of Assembly.
- (3) The Minister may prescribe the school year.

### **Minutes of Boards receivable in evidence**

**21.** Minutes made of meetings of any Board of Management are, if duly signed by the chairman or deputy chairman, receivable in evidence in all legal proceedings without further proof; and every meeting of a Board in respect of which minutes have been signed shall be deemed to have been duly convened and held, and all members present at the meeting shall be deemed to have been duly qualified to act.

## *DIVISION 4*

### *Property, Assets and Rights*

*[Division 4, ss. 22 to 26 came into operation on 31st May, 1983 by S.I. 1983/71.]*

### **Interpretation**

**22.** For the purposes of this Act

“appointed day” means

- (a) in the case of the schools set out in the Third Schedule except Lodge School, 1st June, 1983, and
- (b) in the case of the Lodge School, 2nd August, 1983.

*[1984-35]*

**Vesting**

**23.** All lands and property vested in or held by the Governing Body of any school mentioned in the Third Schedule

- (a) are transferred to and vested in the Crown and shall be managed and administered by the Board of Management on behalf of the Crown, and  
*[1984-35]*
- (b) are by virtue of this Act and without further assurance, transfer or other formality, with effect from the appointed day, to be held by the Crown for the same estate and interest and to the same extent and in the same manner as the lands and property were vested in, or held by, the Governing Body immediately before the appointed day.

**Transfer of rights and liabilities of Governing Bodies**

**24.(1)** All rights, powers, privileges and authorities that, immediately before the appointed day, were vested in or exercisable by the Governing Body of a school mentioned in the Third Schedule are, with effect from that day, vested in, and exercisable by, the Crown.

(2) All liabilities incurred by or on behalf of a Governing Body in respect of its functions under the *Education Act*, Cap. 41 and subsisting immediately before the appointed day have, from that day, effect as if they had been incurred by or on behalf of the Crown.

*[1890-12]*

(3) Without affecting subsections (1) and (2)

- (a) all moneys standing immediately before the appointed day to the credit of any Governing Body are, from that day, transferred to and vested in the Crown, and
- (b) any contract made by or on behalf of any Governing Body before the appointed day, shall be deemed to have been made by or on behalf of the Crown and shall be construed with such modifications and adaptations as might be necessary to give effect to this section.

(4) All civil proceedings commenced before the appointed day in any court in Barbados by or against any Governing Body may be continued by or against the Board of Management, and process in those proceedings may be amended accordingly.

**Preservation of existing endowments, etc.**

25.(1) Nothing in this Division affects the validity or operation of any endowment or trust that, immediately before the appointed day, existed in favour of a Governing Body.

(2) An endowment or trust referred to in subsection (1) has, from the appointed day, effect as an endowment or trust in favour of, or to be administered by, the Crown for the same purposes and for the benefit of the same school as before that day.

**Construction of dispositions in favour of Governing Bodies**

26. Any gift or other disposition by deed, will or other instrument in favour of a Governing Body taking effect on or after the appointed day is to be construed as, and is to take effect as, a gift or disposition in favour of the Crown.

*DIVISION 5*

*Management of Tertiary Institution*

**Application**

27. This Division applies to all tertiary institutions that are maintained wholly or mainly out of moneys voted by Parliament.

**Management of tertiary institutions**

28.(1) The Minister may by order provide for the management of any tertiary institution to which this Division applies.

- (2) The Minister may provide in any order made under subsection (1) for the establishment of a Board of Management of any tertiary institution, and may specify in the order the number of members of the Board of Management and its functions.
- (3) Section 21 of the *Interpretation Act*, Cap. 1 applies to a Board of Management established by an order under subsection (1).
- (4) An order made under subsection (1) is subject to affirmative resolution.
- (5) Without affecting subsections (1) to (4), the Minister may appoint such number of advisory boards as he thinks fit to advise on, and assist with, the management of the tertiary institutions to which this Division applies.
- (6) An advisory board may be appointed under subsection (5) to advise on, and assist with, the management of more than one tertiary institution.
- (7) Every advisory board appointed under subsection (5) consists of a chairman and such other members as the Minister determines.

### PART III

#### PRIVATE SCHOOLS AND PRIVATE EDUCATIONAL INSTITUTIONS

##### *DIVISION 1*

##### *General*

#### **Application**

**29.** This Part applies to private schools and private educational institutions.

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[1990-21]

**Register**

**30.(1)** For the purposes of this Part, the Minister shall keep a register, to be known as the Register of Private Schools and Private Educational Institutions, in this Part referred to as “the Register”, in which must be entered the names of schools and institutions registered under this Part and such particulars in relation to those schools and institutions as may be prescribed.

(2) The Chief Education Officer shall, annually, certify a copy of the Register, and the copy so certified must be published annually in the *Official Gazette* on such date as the Minister determines.

(3) The Chief Education Officer shall certify any amendment to the Register and the amendment must be published in the *Official Gazette*.

(4) Where the Minister is satisfied that there is any error in the Register or any omission from the Register, he shall rectify the error or omission.

**Establishment of private school, etc.**

**30A.(1)** No person may establish a private school or educational institution in Barbados after the 13th August, 1990 without the prior approval of the Minister.

(2) For the avoidance of doubt it is hereby declared that subsection (1) does not apply to private schools and private education institutions first registered before 13th August, 1990.

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[1990-21]

**Registration**

**31.** Subject to this Act, no person may keep, in Barbados, a private school or private educational institution to which this Part applies unless the school is registered in accordance with this Part.

**Application for registration**

**32.(1)** An application under this Part for registration of a private school or private educational institution,

- (a) must be made by or on behalf of the proprietor of the school or educational institution,
- (b) must be made in the prescribed form, and
- (c) must contain such particulars and be accompanied by such documents as the Minister prescribes.

(2) The Minister may, on receipt of an application under this section, request the applicant to furnish such additional information and particulars as the Minister considers relevant to the application, and the applicant must comply with the request.

**Requirements for registration**

**33.(1)** Where a school or institution in respect of which an application is made under section 32(1) has been inspected, the Minister shall register the school or institution, as the case may be, if he is satisfied that

- (a) the premises are suitable for use as a school or institution,
- (b) the accommodation provided at the premises is adequate and suitable, having regard to the number, ages and sex of the pupils attending the school or institution,
- (c) efficient and suitable instruction is being or will be provided at the school or institution having regard to the ages and sex of the pupils attending the school or institution,
- (d) the proprietor and principal of the school or institution are fit and proper persons to be the proprietor and principal of a private school or private educational institution, and

[1990-21]

- (e) the school or institution meets any other prescribed requirements.
- (2) Where the Minister registers a school or institution under subsection (1), he shall, in writing, notify the applicant that the school or institution, as the case may be, is registered.
- (3) Registration of a private school or private educational institution under subsection (1) is subject to any condition the Minister specifies.
- (4) The Minister may not register a private school or private educational institution that does not satisfy the requirements of subsection (1).
- (5) Where the Minister refuses to register a private school or private educational institution, he shall, in writing,
  - (a) notify the applicant of the refusal and of the reasons therefor, and
  - (b) inform the applicant that he has a right of appeal under section 36.

#### **Notice to comply**

**34.** Where the Minister is satisfied that a private school or private educational institution registered under this Part has ceased to be conducted in accordance with this Act or the regulations, he may serve on the proprietor of the school or institution a notice of that fact, requiring him, within the time specified in the notice, to conduct the school or institution, as the case may be, in accordance with this Act or the regulations, as the case may be.

#### **Cancellation of registration**

**35.** Where the proprietor served with a notice under section 34 fails, within the time specified in the notice or within such further time as the Minister allows, to comply with the notice, the Minister

- (a) shall cancel the registration of the school or institution, and
- (b) shall, in writing,
  - (i) notify the proprietor that the registration has been cancelled and of the reasons why, and

- (ii) inform the proprietor that he has a right of appeal under section 36.

### **Appeal**

**36.(1)** The proprietor of a school or institution that the Minister does not register pursuant to section 33(4), or whose registration is cancelled under paragraph (a) of section 35, may, within 30 days of being notified that the Minister will not register the school or institution, or has cancelled its registration, appeal to a Judge in Chambers against the refusal or cancellation, as the case may be,

- (a) in the case of a refusal on any of the following grounds:
  - (i) that the reasons given for the decision do not disclose any failure to meet any of the requirements for registration set out in section 33(1);
  - (ii) that the inspection of the school or institution carried out pursuant to section 33(1) was not adequate for determining whether the school or institution meets the requirements set out in that section;
  - (iii) that there is no evidence available to support the decision; and
- (b) in the case of a cancellation, on any of the following grounds:
  - (i) that no notice was served on the proprietor under section 34;
  - (ii) that the time specified in the notice served under section 34 or the further time allowed to the proprietor under section 35 to comply with the notice is unreasonable;
  - (iii) that the proprietor has complied with the notice served under section 34; or
  - (iv) that there is no evidence available to support the cancellation.



(2) Where an appeal is brought under this section against a refusal or cancellation of registration by the Minister, he may not enforce his refusal or cancellation until the appeal is determined or withdrawn.

(3) The determination by a Judge of an appeal under this section is final.

### **Re-registration of school**

**37.(1)** Where the registration of a school or institution is cancelled pursuant to section 35, the proprietor of the school may, if he has complied with the notice served on him under section 34, apply to the Minister for the re-registration of the school or institution.

(2) Section 32(1) and (2) and section 33 apply, *mutatis mutandis*, to an application under subsection (1).

## *DIVISION 2*

### *Assisted Private Schools and Private Educational Institutions*

### **Aid to private schools**

**38.(1)** The Minister may, out of moneys voted by Parliament, grant financial and other assistance to private schools and private educational institutions in accordance with the regulations.

(2) A school or institution receiving financial or other assistance under this Act is an assisted private school or an assisted private educational institution, as the case may be.

### **Audit and annual report**

**39.(1)** The proprietor of an assisted private school or assisted private educational institution shall submit annually to the Minister a statement of the accounts of the school or institution, certified by an auditor approved by the Minister.

(2) Within 6 months after the end of each school year, or such further time as the Minister allows, the proprietor of an assisted private school or assisted private educational institution shall submit to the Minister a report of the activities of the school or institution during the preceding school year.

### **Requirements**

**40.(1)** The following provisions apply to assisted private schools and assisted private educational institutions:

- (a) the efficiency and management of assisted private schools and assisted private educational institutions must be maintained at a standard that, in the opinion of the Minister, justifies the grant of financial or other assistance;
- (b) every person holding any interest in, or right over, the premises of the school or institution shall, in the prescribed manner, inform the Minister of the nature and extent of the interest or right;
- (c) the proprietor may not discontinue the school or institution unless he or the Board gives to the Minister not less than 3 school terms notice, or such shorter notice as the Minister accepts, of the intention to discontinue the school or institution;
- (d) in the event of the discontinuance of an assisted private school or assisted private educational institution, the proprietor shall, if the Minister requires, repay to the Government such portion of the financial assistance granted by the Minister to the school or institution during the financial year in which the school or institution is discontinued as appears just in all the circumstances of the case.

(2) Where notice of the intention to discontinue an assisted private school or assisted private educational institution is given to the Minister by the proprietor, or where it otherwise comes to the knowledge of the Minister that such a school or institution is likely to be discontinued, the Minister may take such steps as he considers necessary for the continuance of the education of the pupils of the school or institution in the event of its discontinuance.

(3) Any amount required to be repaid pursuant to paragraph (d) of subsection (1) is a debt due to the Crown and is recoverable in civil proceedings in the High Court or in the magistrate's court for District "A".

#### PART IV

#### ATTENDANCE OF PUPILS AT SCHOOLS

##### **Duty of parents to secure education of their children**

**41.** The parent of every child of compulsory school age shall ensure that the child receives full-time education suitable to his age and ability

- (a) by regular attendance at a public or private school; or
- (b) in any other manner satisfactory to the Minister.

##### **Entrance examination and compulsory school age**

**41A.(1)** A pupil who enters secondary school having written the Barbados Secondary Schools Entrance Examination

- (a) before attaining the age of 12 years may be required to leave school after he has attained the age of 16 years; and
  - (b) after attaining the age of 12 years shall not be required to leave school before he has attained the age of 17 years.
- (2) A pupil referred to in paragraph (a) of subsection (1) shall complete the school year in the calendar year in which he reaches compulsory school age.
- (3) Notwithstanding anything in this Act and for the avoidance of doubt, it is hereby declared that every pupil has the right to receive at least 5 years secondary education.

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[1995-23]

**Exemption from compulsory school attendance**

**42.(1)** A child of compulsory school age may be exempted from compulsory attendance at school on any of the following grounds

- (a) the child is receiving special education;
  - (b) the child is receiving instruction at home in a manner and to a standard satisfactory to the Minister;
  - (c) the child is unable to attend school because of sickness, danger of infection, infirmity, sudden or serious illness of a parent, or other sufficient cause;
  - (d) religious observance;
  - (e) the child is suffering from a physical or mental handicap that, in the opinion of a registered medical practitioner, makes the child incapable of being educated by ordinary methods of instruction;
  - (f) the grant by the principal of the school of permission for the child to be temporarily absent from school for good and sufficient reason; or  
*[1990-21]*
  - (g) the child has successfully completed a period of study in secondary education to the satisfaction of the principal of the school.  
*[1995-23]*
- (2) The parent of any child of compulsory school age who wishes the child to be exempt from compulsory attendance at school may apply for a certificate of exemption from attendance in accordance with subsection (3).
- (3) An application under subsection (2) must be made, in the case of
- (a) any of the grounds mentioned in paragraphs (a), (b) and (e), of subsection (1) to the Chief Education Officer; and
  - (b) any of the grounds mentioned in paragraphs (c), (d) and (f), of subsection (1) to the principal of the school,  
*[1990-21]*

and the Chief Education Officer, or the principal as the case may be, may grant or refuse the certificate.

[1990-21]

- (4) A certificate granted under subsection (3) exempts the child to whom it relates from attendance at school to the extent specified in the certificate.
- (5) Any parent who is dissatisfied with refusal under subsection (3) may appeal to the Minister, who may confirm or overrule the refusal.
- (6) The decision of the Minister on an appeal under subsection (5) is final.
- (7) Section 61 does not apply in the case of a child with respect to whom a certificate has been granted under this section.

#### **School attendance officers**

**43.(1)** School attendance officers shall ensure that section 41 is complied with.

(2) For the purposes of subsection (1) a school attendance officer may, after presentation of written authorisation to the person present on any premises, at any reasonable time, whether during school hours or not

- (a) enter the premises and make such inquiries as are necessary to determine whether section 41 is being complied with or whether anyone is in contravention of section 61 in relation to any child of compulsory school age whom he has reasonable cause to believe to be frequenting, visiting, residing or employed on the premises;
- (b) stop any child who appears to be of compulsory school age and is not at school; and
- (c) question a child referred to in paragraph (b) concerning,
  - (i) his age;
  - (ii) his name and address;
  - (iii) the school at which he is registered;

- (iv) the reason for his absence from school; and
  - (v) any other matter relevant to the inquiries referred to in paragraph (a).
- (3) Where a child fails to give satisfactory reasons for his absence from school, the school attendance officer
- (a) may take the child to the child's home or to the school at which the officer believes that the child is, or should be, registered; and
  - (b) shall report the absence of the child from school to the Chief Education Officer.
- (4) A school attendance officer shall enquire into every case of failure of a child of compulsory school age to attend school that the officer knows of, or when requested to do so by or on behalf of the Chief Education Officer or the Principal of a school.
- [1990-21]
- (5) A school attendance officer shall give to the parent of any child of compulsory school age who is not attending school as required
- (a) written warning of the consequences of the failure of the child to attend school; and
  - (b) written notice requiring the parent to send the child to school with effect from the school day immediately following the date of the notice.

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[1990-21]

## PART V

### INSPECTION OF EDUCATIONAL INSTITUTIONS

#### **Inspection of educational institutions**

**44.(1)** The Chief Education Officer, a public officer authorised in writing by the Chief Education Officer, or any other person authorised by the Minister shall,

at the times and in the manner prescribed, inspect public educational institutions, registered private schools and registered private educational institutions.

(2) Any person who, pursuant to subsection (1), inspects a public educational institution, registered private school or private educational institution, shall

- (a) give such assistance and guidance to the teachers employed at the institution or school as might promote the good conduct and efficiency of the institution or school;
- (b) advise the principal of the institution or school on matters relating to its welfare and development; and
- (c) give to the Minister, the Board of Management or, in the case of a registered private school or private educational institution, the proprietor, a report on the institution or school.

#### **Educational institutions to be open for inspections and visits**

**45.(1)** The principal of a public educational institution and the proprietor or principal of a registered private school or private educational institution shall keep the institution or school open at all times during school hours to visits and inspections

- (a) by the Minister;
- (b) by the Chief Education Officer; or
- (c) by any other person authorised by the Minister or the Chief Education Officer to visit or inspect the institution or school.

(2) Any person who, pursuant to section 44(1), inspects an institution or school referred to in that subsection may examine the pupils in the subjects of instruction taught at the institution or school.

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[1990-21]

## PART VI

SCHOLARSHIPS, EXHIBITIONS AND LOANS FOR TERTIARY  
EDUCATION*DIVISION I**Scholarships and Exhibitions***Provision of bursaries, grants, scholarships, etc.**

**46.** For the purpose of encouraging and promoting the growth and development of higher education among the people of Barbados, all sums of money authorised or required to be paid under this Act for the provision of bursaries, grants, awards, scholarships and exhibitions are charged on the Consolidated Fund.

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*[1990-21; 2001-21; 2002-9]*

**Conditions of the award and tenure of bursaries, grants and scholarships, etc.**

**47.(1)** Subject to this section, section 59 applies to the provision of bursaries, grants, awards, scholarships and exhibitions under this Act.

(2) The following persons are entitled to the bursaries, grants, awards, scholarships and exhibitions referred to under subsection (1):

- (a) a citizen of Barbados;
- (b) a child of a citizen of Barbados; or
- (c) a child of a person who is ordinarily resident in Barbados and has been so resident for a period of at least 7 years.

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*[1990-21; 2001-21; 2002-9]*



*DIVISION 2**Tertiary Education Loan Fund***Establishment of Loan Funds**

**48.** For the purposes of this Part, the Minister may establish such number of Loan Funds as he considers necessary to provide financial assistance to persons wishing to pursue studies in tertiary education.

**Management of Loan Fund**

**49.(1)** A Loan Fund established pursuant to section 48 shall be administered in such manner as the Minister prescribes.

- (2) The resources of a Loan Fund established pursuant to section 48 are
- (a) moneys provided by Parliament for the purposes of the Fund;
  - (b) moneys set aside or provided for the Fund out of the proceeds of any loan raised by the Government for the purposes of the Fund;
  - (c) moneys that represent the repayment of loans and the payment of interest thereon by persons to whom loans are made out of the Fund;
  - (d) any other moneys that are properly payable into the Fund.

**Power to make loans**

**50.** Loans may be made from any Fund established pursuant to section 48

- (a) to such persons;
- (b) for such purposes; and
- (c) subject to such terms and conditions,

as the Minister prescribes.

**Audit of Funds**

**51.(1)** An account of the financial transactions of each Fund established pursuant to section 48 shall be prepared by the person responsible for the management of the Fund in respect of the period ending on the 31st day of March in each year.

(2) The person referred to in subsection (1) shall submit the account referred to in that subsection not later than the 30th day of June in each year to the Auditor-General to be audited.

(3) An account audited pursuant to subsection (2) shall, with the Auditor-General's report thereon, be laid before both Houses of Parliament.

**PART VII**  
**MISCELLANEOUS**

**Free public education**

**52.(1)** Education is free in public educational institutions.

(2) Notwithstanding subsection (1), fees and other charges may be payable

- (a) in such amounts;
- (b) for such purposes; and
- (c) by such persons or classes of persons,

as the Minister may prescribe.

**Special education**

**53.(1)** The Minister may, for the purposes of ascertaining which children of compulsory school age require special educational treatment, carry out such investigations as he considers necessary, and after the investigations the Minister

may provide for the education of any child requiring special educational treatment.

(2) The Minister may, where practicable, provide special schools appropriate for the education of children requiring special educational treatment; but where it is not practicable to do so the Minister may provide facilities for special education at any school.

[1990-21]

(3) For the purposes of this section, the Chief Education Officer may serve on the parent of any child of compulsory school age a notice requiring the parent to submit the child, on or before the time specified in the notice, for examination by a registered medical practitioner to ascertain whether the child is suffering from any disability of mind or body, and the nature and extent of the disability.

(4) Any parent who fails to comply with a notice served under subsection (3) is guilty of an offence and is liable on summary conviction to a fine of \$25, and in the case of a continuing offence, to a fine of \$10 for each day or part thereof during which the offence continues after the first conviction.

(5) The Minister may provide such transport and other facilities as he considers necessary to enable children receiving special educational treatment to attend school.

### **Conscience clause**

**54.(1)** It is not a condition of admission or attendance of any pupil in a public educational institution

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

(2) Where the parent of any pupil attending a public educational institution requests that the pupil be excused from attendance at any religious observance or any instruction in religious subjects at the institution or elsewhere, then, until the request is withdrawn, the pupil is excused from attendance.

### **Parent-teacher associations**

**55.(1)** Parents and teachers may, in accordance with regulations, form associations, to be known as “parent-teacher associations”.

(2) The Minister may encourage and assist the formation of parent-teacher associations.

(3) The objects of parent-teacher associations must include the promotion of the interests of the school by bringing parents, members of the community, pupils and teachers into close co-operation.

(4) Parent-teacher associations may, subject to this Act and the regulations, make rules for the regulation and control of their business.

### **Temporary or permanent closing of schools**

**56.(1)** Where

- (a) as a result of the total or partial destruction by hurricane, earthquake, fire or flood of all or any of the buildings used in connection with any public educational institution,
- (b) as a result of the outbreak of any infectious or contagious disease, or
- (c) for any other reason,

attendance at any public educational institution has fallen to such an extent that, in the opinion of the Minister justifies the temporary or permanent closing of the institution, the Minister may, notwithstanding anything contained in this or any other enactment, direct that the institution be temporarily or permanently closed, as the case may be, and the institution shall, with effect from the date of the direction, be closed.

(2) The powers conferred by this section are in addition to, and not in substitution for, any powers in any other enactment.

(3) Without affecting subsection (1), the Minister may delegate to the Chief Education Officer the power conferred on the Minister by that subsection to close a school temporarily.

[1990-21]

(4) Notwithstanding subsections (1) and (3), the principal of a school may, in an emergency, where it is impractical to obtain the prior approval of the Minister or Chief Education Officer, close a school temporarily and inform the Minister or Chief Education Officer as soon as practicable thereafter.

#### **Variation of trusts etc. in relation to endowed schools**

**57.(1)** Where the Minister is satisfied that the trusts subject to which any endowed educational institution is operated are not conducive to the advancement of education by the institution, he may apply to the High Court for a variation of the trusts.

(2) The High Court may, where it is satisfied that the trusts referred to in subsection (1) are not conducive to the advancement of education, make such order for the variation of the trusts as it considers appropriate.

(3) For the purpose of giving effect to any order made by the High Court pursuant to subsection (2), the Minister may establish a new scheme for the educational institution.

(4) The Minister shall submit a draft of every scheme to the High Court for approval, and if the scheme is approved, the Minister shall make an order incorporating the scheme, and the order must be published in the *Official Gazette*.

#### **Wishes of parents to be considered in education of pupils**

**58.** The Minister shall, in the exercise of his functions under this Act, 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 pupils.

### **Regulations**

**59.(1)** The Minister may make regulations generally for the proper carrying out of the purposes of this Act.

(2) Without limiting subsection (1), the Minister may make regulations

(a) respecting the management and conduct of public educational institutions and assisted private schools,

(b) respecting the functions of the Boards of Management of public educational institutions, \*

*\*[Paragraph (b) came into operation on 31st May, 1983 by S.I. 1983/71.]*

(c) prescribing, subject to such exemptions as may be specified, the standards to which the premises of educational institutions are to conform,

(d) respecting the purposes for which the premises of public educational institutions may be used,

(e) prescribing

(i) the classes of educational institutions to which financial or other assistance may be provided out of moneys voted by Parliament,

(ii) the criteria to be applied in determining the assistance to be provided to any educational institution out of the moneys mentioned in sub-paragraph (1), and

(iii) the conditions subject to which any such assistance is to be made,

(f) respecting

(i) the admission or transfer of pupils to public educational institutions, and

*[1984-35]*

- (ii) the qualifying examinations for admission,
- (g) respecting the discipline of pupils in public educational institutions, including the suspension or expulsion of pupils therefrom,
- (h) respecting the submission of pupils in public educational institutions to medical or dental inspection or treatment,
- (i) respecting
  - (i) the provision of milk and meals to pupils in public educational institutions specified in the regulations, and
  - (ii) the conditions, including the charges, subject to which milk and meals are to be provided,
- (j) specifying, in respect of public educational institutions, the curriculum of study to be followed and the examinations to be taken by pupils,
- (k) respecting the admission of persons to teacher training colleges and the conditions, including bonds, of admission,
- (l) respecting the award of scholarships, exhibitions, bursaries and other financial assistance, including loans,
- (m) specifying the value and other conditions subject to which scholarships, exhibitions and bursaries may be held or other financial assistance given,
- (n) respecting
  - (i) the admission of candidates for scholarships and exhibitions, and
  - (ii) the manner in which and the times at which examinations for scholarships and exhibitions are to be held,
- (o) respecting the particulars to be furnished to the Minister under Part III by the proprietors of private schools and private educational institutions,

- (p) respecting the registration of private schools and private educational institutions;
  - (q) prescribing the academic years, terms and vacations of public educational institutions, assisted private schools and assisted private educational institutions;
  - (r) requiring the keeping by public educational institutions, assisted private schools and assisted private educational institutions of a school record of each pupil;
  - (s) prescribing the particulars to be included in the record referred to in paragraph (r) and the disposal of the record;
  - (t) defining the categories of pupils requiring special educational treatment appropriate to the pupils of each category;
  - (u) prescribing the cases in which and the matters for which fees may be charged in public educational institutions;
  - (v) respecting the inspection of schools;
  - (w) respecting any other matter incidental to or connected with paragraphs (a) to (v);
  - (x) respecting the operation of a Test-book Loan Scheme and the conditions relating to the loan of books under the scheme;
  - (y) requiring the evaluation of teachers in the discharge of their duties and the manner in which the evaluation is to be conducted;  
*[2002-9]*
  - (z) prescribing anything that is authorised or required by this Act to be prescribed.  
*[2002-9]*
- (3) Any regulations made under this section respecting paragraphs (a), (c), (d), (e), (f), (i), (l), (m), (n), (o), (p), (u), (v), and (y) of subsection (2) are subject to affirmative resolution.  
*[2002-9]*



(4) The regulations not mentioned in subsection (3) are subject to negative resolution.

### **Contravention of section 31**

**60.(1)** A person is guilty of an offence who

- (a) establishes a private school or private educational institution in contravention of section 30A;
- (b) keeps a private school or private educational institution in contravention of section 31; or
- (c) being the proprietor of a private school or private educational institution, contravenes any condition subject to which the school or private educational institution is registered.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine of \$500 or imprisonment for 3 months, and, in the case of a continuing offence, is liable to a further fine of \$25 for each day during which the offence continues after the first conviction.

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[1990-21]

### **Failing to attend school**

**61.(1)** Where a child of compulsory school age,

- (a) being a registered pupil at a school, fails to attend regularly at the school; or
- (b) not being a registered pupil at a school, does not, in a manner satisfactory to the Minister, receive full-time education suitable to his age and ability,

the parent of the child is guilty of an offence and is liable on summary conviction to a fine of \$50.

**Offences against school attendance officer**

**62.(1)** A person is guilty of an offence who

- (a) assaults, obstructs, or uses insulting, abusive or indecent language to
  - (i) a school attendance officer in the execution of his duties; or
  - (ii) any other person executing any duty, imposed on him by this Act, in relation to the attendance at school of any child;
- (b) being a parent, fails, without reasonable cause, having been requested by a school attendance officer, to give the officer any information the person has concerning
  - (i) the name, age, residence, parent, employment or attendance at school of any child; or
  - (ii) any other matter relevant to the attendance at school of any child; or
- (c) gives to any school attendance officer, knowing it to be false or misleading, any information concerning any matter mentioned in paragraph (b).

(2) Subsection (1) applies, notwithstanding that the child in relation to whom the offence is committed is not of compulsory school age.

(3) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine of \$500, or imprisonment for 3 months, or both.

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[1990-21]

**Offences relating to inspection**

- 63.(1)** A person is guilty of an offence who
- (a) prevents a person empowered or authorised under this Part to visit or inspect educational institutions or private schools from visiting such an institution or school; or
  - (b) assaults or obstructs, during a visit or inspection of an educational institution or private school, a person empowered or authorised, under this Part, to visit or inspect educational institutions or private schools.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine of \$250, and in the case of a second or subsequent conviction to a fine of \$500 or imprisonment for 6 months, or both.

**Disturbance of schools**

- 64.(1)** A person is guilty of an offence who
- (a) causes a disturbance in an educational institution;
  - (b) insults or abuses a teacher or other person engaged in the instruction of pupils in the presence or hearing of the pupils;
  - (c) uses threatening, abusive or insulting words in an educational institution; and
  - (d) assaults a teacher or assaults, insults or abuses a pupil.  
*[1990-21]*
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine of \$500, or imprisonment for 6 months, or both.  
*[1990-21]*
- (3) For the purposes of this section, educational institution includes
- (a) a registered private school or registered private educational institution;

- (b) the school established by the *Reformatory and Industrial Schools Act*, Cap. 169; and  
[1990-21]
  - (c) the playgrounds and premises of the school or institution.
- (4) A prosecution for an offence under this section in relation to a public educational institution may be brought in the name of the Chief Education Officer.

### **Search of pupils**

**64A.**(1) For the purposes of this section

“adult” does not include a pupil who has attained the age of 18 years.

- (2) This section applies to all schools.
- (3) Where a teacher of a school has reasonable grounds for believing that a pupil has in his possession any intoxicating liquor, controlled drug within the meaning of section 3 of the *Drug Abuse (Prevention and Control) Act*, Cap. 131, gun within the meaning of the *Firearms Act*, Cap. 179, offensive weapon within the meaning of the *Control of Offensive Weapons Act*, Cap. 124A, or any article that has been reported stolen the teacher may search the pupil’s person and the pupil’s property.
- (4) Where upon a search carried out pursuant to subsection (1), the teacher finds any intoxicating liquor, controlled drug, gun, offensive weapon or any article that has been reported stolen on the person or in the possession of a pupil, the principal shall report forthwith the finding to
  - (a) the parent of the child;
  - (b) the police;
  - (c) the Chief Education Officer; and
  - (d) the Board or Committee, as the case may be.

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- (5) The search of
- (a) a pupil's person shall be conducted in the presence of an adult, other than the adult conducting the search; and
  - (b) a pupil's property shall be conducted in the presence of the pupil and another adult, other than the adult conducting the search.
- (6) A female pupil may only be searched by a female in the presence of another female.
- (7) A male pupil may be searched by an adult of either sex in the presence of another adult of either sex.
- (8) A search under this section shall be carried out in a private place whether on the school premises or elsewhere during school related activities, and no pupil, other than the pupil searched, shall be present during a search.
- (9) The teacher who carries out a search under the authority of this section may exercise the same powers, and has the same privileges and immunities as are conferred on a constable by law.
- (10) Where a search is carried out by a teacher other than the principal, that teacher shall forthwith forward a report in writing to the principal stating the facts and circumstances relating to the search.
- (11) Whenever a search is carried out pursuant to this section by a teacher other than the principal, the principal shall, forthwith after the search, institute an inquiry into the circumstances relating to the search.
- (12) Any pupil who
- (a) assaults, obstructs or uses insulting, abusive or indecent language to a teacher carrying out or attempting to carry out a search under this section; or
  - (b) is found in possession of any intoxicating liquor, controlled drug, gun, offensive weapon or any article that has been reported stolen

is guilty of an offence and liable on summary conviction, if he is under the age of 16 years, to a fine of \$1 000 or if the pupil is 16 years of age or older to such fine or to imprisonment for 6 months or both.

(13) Any person, other than a pupil, who assaults, obstructs or uses insulting, abusive or indecent language to a principal, deputy principal or teacher carrying out a search under this section or any adult assisting such principal, deputy principal or teacher is guilty of an offence and liable on summary conviction to a fine of \$2 500 or imprisonment for one year or both.

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[1996-13]

### **Damage to school property**

**64B.(1)** A pupil who wilfully damages or destroys school property or the property of any person lawfully on the school premises is guilty of an offence and liable on summary conviction to fine of \$500, if he is under the age of 16 years, or, if he is 16 years of age or older, to such fine or to imprisonment for 3 months or both.

(2) The Court before which a pupil referred to in subsection (1) is tried may, in accordance with section 120 of the *Magistrates Jurisdiction and Procedure Act*, Cap. 116, order the parent of that pupil to pay compensation for the destruction or damage caused.

(3) Section 12 of the *Juvenile Offenders Act*, Cap. 138 applies, *mutatis mutandis*, to subsection (1); and references in that section to a child or young person shall be construed as references to a pupil notwithstanding that a pupil is over the age of 16 years.

(4) Without affecting subsection (2), nothing in this section or section 64A shall affect the application of the *Juvenile Offenders Act*, Cap. 138 to a pupil who is under the age of 16 years.

### **Counselling and rehabilitation**

**64C.** A pupil who is convicted under section 64A or 64B shall, in addition to any penalty imposed on him or his parent, be ordered to undergo counselling and rehabilitation for such period not exceeding one year as the magistrate considers appropriate.

### **Appointment of certain teachers**

**65.(1)** Where teachers who, immediately before 1st January, 1983 were employed by Governing Bodies, become public officers they shall continue to be employed on terms and conditions that are as favourable as or no less favourable than those on which they were employed before 31st May, 1983.

(2) Teachers referred to in subsection (1) may not, without their consent in writing, be transferred from the school to which they were appointed before 1st January, 1983; but may at their request be transferred to another school.

*[Section 65 came into operation on 31st May, 1983 by 1983/71.]*

*[1984-35]*

### **Higher Education Loan Fund**

**66.(1)** Subject to subsection (2), the Higher Education Loan Fund established by the *Higher Education (Loan Fund) Act*, Cap. 43 shall, for the purposes of this Part, be deemed to be a Fund established by the Minister pursuant to section 48.

(2) Notwithstanding the repeal by this Act of the *Higher Education (Loan Fund) Act*, the Higher Education Loan Fund continues to be administered in accordance with that Act.

### **Repeal and savings**

**67.(1)** Subject to this section, the *Education Acts*, Cap. 41 and the *Higher Education (Loan Fund) Act*, Cap. 41A are repealed.

(2) The repeal of the enactments specified in subsection (1) does not affect the duration, value or other terms of any scholarship, exhibition or bursary, awarded thereunder that has not expired or been terminated before 1st January, 1983.

(3) Without limiting section 30(3) of the *Interpretation Act*, Cap. 1, all statutory instruments made under the enactments specified in subsection (1) continue in force, as far as they are in force at 1st January, 1983, and are not inconsistent therewith, and may be amended or revoked as if made under the corresponding provisions of this Act.

(4) Without limiting the *Interpretation Act*, Cap. 1, sections 21, 51(2) to (5), 55 and 56 of the *Education Act*, Cap. 41 and every scheme made under that Act and in force immediately before 1st January, 1983 continue in force until a new scheme or other provision is substituted for the scheme made under that Act.

[Section 67 came into operation on 31st May, 1983 by 1983/71.]

### **Removal of doubt**

**68.** For the avoidance of doubt it is hereby declared that the provisions of any enactment made under this Act respecting the establishment of Boards of Management, management or control of secondary schools or otherwise relating to those schools have been substituted for the schemes referred to in section 67(4) with effect from the commencement of the enactment.

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[1984-35]

### **Validation**

**69.** All things that are required to be effected, deemed or empowered to be done by virtue of sections 23 to 26 shall be deemed to have been lawfully and validly effected or done, as the case may be, as from the dates specified in section 22; and any action taken or thing done in pursuance of those sections with respect to any land, property, right, power, privilege, liability, asset, contract, civil proceeding, authority, endowment, and any trust, gift or other disposition mentioned in those sections shall be deemed to have been lawfully and validly taken and done.



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**FIRST SCHEDULE***(s.6(2))**CONSTITUTION AND PROCEDURE OF THE NATIONAL ADVISORY  
COMMISSION ON EDUCATION***Constitution**

1.(1) The Commission comprises a chairman, deputy chairman, and not less than 9, nor more than 15 other members appointed by the Minister.

(2) In the appointment of the members of the Commission the Minister must ensure that the interests of organisations of the teaching profession, teachers unions and parent-teacher associations are represented.

**Tenure**

2. The appointment of a member of the Commission is, subject to the provisions of this Schedule, for a period not exceeding 3 years, but the member is eligible for re-appointment.

**Revocation**

3. The Minister may at any time revoke the appointment of the chairman or any member of the Commission.

**Temporary appointments**

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

**Resignations**

5.(1) Any member of the Commission, other than the chairman, may at any time resign his office by instrument in writing addressed to the chairman, who must forthwith forward the instrument to the Minister; and the member ceases to

be a member of the Commission upon the date of the receipt by the chairman of the instrument.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister; and upon the date of the receipt by the Minister of the instrument, the chairman ceases to be a member.

### **Forfeiture of membership**

6. Any member of the Commission who fails without reasonable excuse to attend 3 consecutive meetings of the Commission ceases to be a member.

### **Filling of vacancies**

7. A person appointed to fill a vacancy in the membership of the Commission

- (a) must be from the same category of persons as the former member, and
- (b) holds office only for the unexpired term of the former member.

### **Publication of membership**

8. The names of all members of the Commission as first constituted and any change in the membership of the Commission must be published in the *Official Gazette*.

### **Meetings**

9. The Commission shall meet at least 3 times in each year

- (a) at such times, and
- (b) at such places,

as the Commission considers necessary or expedient for the transaction of the business of the Commission.

**Special meetings**

**10.** The chairman may at any time call a special meeting of the Commission; and must call a special meeting within 14 days of the receipt of a request for that purpose addressed to him in writing and signed by any 3 members of the Commission.

**Presiding at meetings**

**11.** The chairman, or in his absence the deputy chairman, must preside at meetings of the Commission and in the absence of both the chairman and the deputy chairman, the members present and constituting a quorum must elect a chairman from among their number to preside at that meeting.

**Quorum**

**12.** The quorum of the Commission at any meeting is the majority of the total membership of the Commission.

**Minutes**

- 13.(1)** Minutes of each meeting are to be kept by the Secretary.
- (2) The Secretary must be a public officer designated by the Minister.
- (3) A certified copy of the confirmed minutes of each meeting must be forwarded to the Minister within 14 days after the meeting at which they were confirmed.

**Right of Chief Education Officer to attend meetings of Commission**

- 14.(1)** The Chief Education Officer
- (a) may attend any meeting of the Commission or of any committee established by the Commission, or
- (b) may be represented at any such meeting by a public officer authorised by the Chief Education Officer.

(2) The Chief Education Officer or his representative may take part in the proceedings of any meeting at which he is present; but is not entitled to vote.

**General power to regulate procedure and to delegate**

**15.** Subject to this Schedule, the Commission may regulate its own procedure; and may delegate to any of its members or committees the power and authority to carry out on behalf of the Commission such duties as the Commission determines.

**Remuneration and allowances**

**16.** The chairman and other members of the Commission are entitled to such remuneration and allowances as the Minister determines.

**SECOND SCHEDULE***(s.16(2))***CONSTITUTION, PROCEDURE, AND FUNCTIONS OF BOARDS OF  
MANAGEMENT ESTABLISHED UNDER SECTION 16**

*[This Schedule came into operation on 31st May, 1983 by S.I. 1983/71.]*

**Constitution**

1.(1) A Board of Management comprises a chairman, a deputy chairman and not less than 5, nor more than 7, other members appointed by the Minister by instrument in writing.

(2) In the appointment of the members of a Board the Minister must ensure that the following interests are represented:

- (a) interests of the teaching profession,
- (b) other educational interests, and
- (c) such other interests, including religious interests, as he considers appropriate.

(3) In this Schedule “Board” means a Board of Management established under section 16.

**Temporary membership**

2. A person appointed to fill a vacancy in the membership of the Board

- (a) must be from the same category of persons as the former member, and
- (b) holds office for the unexpired term of the former member.

**Disqualification for membership**

3. A person is not qualified for appointment as a member of a Board if he is employed by the Board.

**Disqualification of members for certain offices**

4.(1) No member of a Board may be appointed to any office or employment under that Board.

(2) No person is, within 1 year from the date on which he last held or acted in the office of member of a Board, eligible for appointment to any office or employment under that Board.

**Tenure**

5.(1) Every member of a Board holds office for a term of 3 years, and is eligible for re-appointment.

(2) Any member of a Board who fails without reasonable excuse to attend 3 consecutive meetings of the Board ceases to be a member.

(3) The chairman may at any time resign his office by instrument in writing addressed to the Minister, and upon the date of the receipt by the Minister of the instrument, the chairman ceases to be a member.

(4) A member of a Board, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman to the Minister, and upon the date of the receipt by the Minister of the instrument the member ceases to be a member.

**Leave of absence**

6. The Minister may grant leave of absence to the chairman or any other member of a Board.

**Authentication of seal and documents**

7.(1) The seal of a Board must be authenticated by the signature of the chairman or deputy chairman.

(2) All documents, other than those required by law to be under seal, made by, and all decisions of, a Board may be signified under the hand of the chairman or deputy chairman or any member of the Board authorised to act in that behalf.

### **Meetings**

**8.(1)** A Board shall meet at least once in each school term and

(a) at such other times, and

(b) at such places,

as the Board considers necessary or expedient for the transaction of the business of the Board.

(2) The chairman may, at any time, call a meeting of a Board, and must call a meeting within 14 days

(a) of a request for that purpose addressed to him in writing and signed by any 3 members of the Board, or

(b) of a direction to that effect addressed to him in writing and signed by the Minister.

(3) The chairman, or in his absence the deputy chairman, must preside at meetings of the Board.

(4) In the absence of the chairman or deputy chairman, or in the case of the inability to act of the chairman or deputy chairman, the members of the Board present and constituting a quorum must elect 1 of their number to preside at that meeting.

### **Quorum**

**9.** The quorum of a Board at any meeting is the majority of the total membership of the Board.

**Decisions**

**10.** The decisions of a Board are to be by a majority of the votes; and in any case in which the voting is equal, the chairman, deputy chairman or other member presiding at the meeting has, in addition to an original vote, a second or casting vote.

**Minutes**

**11.(1)** Minutes of each meeting must be kept by the Secretary or such person as the Board appoints for the purpose; and must be confirmed by the chairman or deputy chairman at the next meeting of the Board.

(2) A copy of the unconfirmed minutes of each meeting must be forwarded to the Minister within 14 days after the meeting to which they relate.

*[1990-21]*

(3) A certified copy of the confirmed minutes of each meeting must be forwarded to the Minister within 14 days after the meeting at which they were confirmed.

**Chief Education Officer entitled to attend or to be represented at meetings of Boards**

**12.(1)** The Chief Education Officer

- (a) may attend any meeting of a Board or of a committee or subcommittee established by the Board, or
- (b) may be represented at any such meeting by a public officer authorised by the Chief Education Officer.

(2) The Chief Education Officer or his representative may take part in the proceedings of any meeting at which he is present; but is not entitled to vote.



**Appointment of committees**

**13.(1)** A Board may appoint a committee for any of the purposes of the Board; and may delegate any of its functions to such a committee with or without restrictions or conditions.

(2) The number of members of a committee appointed under this section and their term of office must be fixed by the Board.

(3) A committee appointed under this paragraph may include persons who are not members of the Board, but the chairman and at least two thirds of the members of every committee must be members of the Board.

(4) Any committee appointed by a Board under this paragraph may, subject to any restrictions imposed by the Board, appoint sub-committees.

(5) Any sub-committee appointed under sub-paragraph (4) must be constituted in such manner as, subject to any restrictions imposed by the Board, the committee determines.

(6) The chairman and at least two thirds of the members of every subcommittee must be members of the Board.

(7) Subject to any restrictions imposed by the Board, where a committee pursuant to sub-paragraph (4) appoints a sub-committee the committee may delegate to the sub-committee, with or without such restrictions or conditions, any of its functions.

**Remuneration and other conditions of service**

**14.** The chairman, deputy chairman and other members of a Board

(a) are entitled to such remuneration and other allowances, and

(b) hold office on such terms and conditions, other than those specified in this Schedule,

as the Minister determines.

**Notification of membership**

**15.** The membership of a Board as first constituted and any changes therein must be published in the *Official Gazette*.

**THIRD SCHEDULE**

*(ss.23 & 65)*

Alexandra School

Alleyne School

Christ Church Foundation School

Coleridge and Parry School

Combermere School

Harrison College

Queen's College

The St. Michael School

The Lodge School