



TRINIDAD AND TOBAGO

No. 27—1951

[L.S.]

I ASSENT,

H. E. RANCE,

*Governor.*

5th May, 1951.

AN ORDINANCE relating to Education

[5th May, 1951.]

Commence-  
ment.

**E** NACTED by the Governor of Trinidad and Tobago with Enactment.  
the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Education Ordinance, Short title.  
1951.

Interpre-  
tation.

2. In this Ordinance—

“assisted” in relation to a school, training college, training institute or hostel means assisted by a grant made from public funds in a manner provided by this Ordinance ; and “assisted school” includes assisted community school and assisted special school ;

“assisted community school” means a primary school conducted without profit by a local school committee to which a grant is made from public funds in a manner provided by regulations made under this Ordinance ;

“Board” means the Education Board established in accordance with the provisions of Section 5 of this Ordinance ;

“board of management” means a board having the control and management of one or more assisted schools ;

“Department” means the Department of Education ;

“Director” means the Director of Education ;

“Government” in relation to a school, training college, training institute or hostel means maintained by the Government wholly from public funds ; and “Government school” includes Government special school ;

“guardian” includes any person who has the legal or actual custody of a child ;

“intermediate school” means a school recognised by the Director as providing primary and post-primary education for pupils up to the age of eighteen years ;

“local school committee” means a non-denominational body having the control and management of an assisted community school ;

“manager” means, in the case of a Government school, a person appointed by the Governor and, in the case of any other school, a person appointed by the Head or governing body of a religious denomination or body or by a local school committee, to have charge thereof ;

“primary school” means a school recognised by the Director as providing primary education for pupils up to the age of twelve years and post-primary education for pupils up to the age of fifteen years ;

“secondary school” means a school recognised by the Director as providing secondary instruction in academic, technical, industrial, or commercial subjects for pupils up to the age of nineteen years ;

“special school” means a primary school for special categories of children, including those who are physically handicapped, recognised by the Governor as such ;

“teacher means a person registered for employment as such in any Government or assisted school on the register of teachers kept by the Director ;

“training college” or “training institute” means an institution recognised by the Director for the training of teachers.

## PART I

### THE DEPARTMENT OF EDUCATION

3. There shall be a Department of Education with a Director at the head thereof and such other officers as may be appointed by the Governor at such salaries as the Governor, with the consent of the Legislative Council, may from time to time direct.

4. (1) The Director in consultation with the Board and subject to the approval of the Governor in Council shall make regulations dealing with all matters affecting education in the Colony including the following subjects:—

(a) Primary Education—

- (i) the establishment, maintenance and discontinuance of Government and of assisted primary schools, and of Government and of assisted intermediate schools, their administration and management ;
- (ii) the inspection and examination of such schools, and the curriculum and instruction to be given therein ;
- (iii) the payment of grants-in-aid to such schools and the conditions under which such payments shall be made ;
- (iv) the payment or remission of fees in respect of attendance at intermediate schools.

(b) Secondary Education—

- (i) the establishment, maintenance and discontinuance of Government and assisted secondary schools, their administration and management ;
- (ii) the inspection and examination of such schools and the courses and schedules of studies to be followed therein ;
- (iii) the payment of grants-in-aid to such schools and the conditions under which such payments shall be made ;
- (iv) the payment or remission of pupils' fees ;
- (v) the award, amount and tenure of exhibitions and the conditions under which candidates shall be examined.

(c) Teachers—

- (i) the training of teachers, their qualifications and payment and the conditions of their employment, including their appointment, transfer, grading and termination of service ;
- (ii) the establishment, administration, maintenance and discontinuance of Government and of assisted training colleges and hostels for the accommodation of students and teachers ;
- (iii) the payment of grants to training colleges and hostels for students and teachers and of allowances to students.

(d) General—

generally for the better carrying out of the provisions of this Ordinance.

(2) The Director shall be responsible for the carrying out of such regulations.

(3) Regulations under this section may be made with retrospective effect.

## PART II.

## EDUCATION BOARD

5. (1) There shall be established a Board to be styled <sup>Education Board.</sup> the Education Board and composed of fifteen members, nominated by the Governor in Council, of whom the Director shall be one, and of such persons as may be co-opted by the Board under subsection (2) of this section. There shall be at least two primary school teachers in active service and at least one woman nominated as members of the Board.

(2) The Board may, with the approval of the Governor, co-opt as members, for a stated period not exceeding twelve months, persons with expert knowledge or experience required by the Board in the discharge of its duties : Provided that the total number of members thus co-opted shall not exceed three.

(3) The period of service on the Board shall be two years in the case of members other than the Director nominated by the Governor in Council.

(4) No act or proceeding of the Board, or of any committee of the Board, shall be invalidated or questioned on account of any vacancy among the members of such Board or committee, or of any defect in their appointment.

6. The Board shall be primarily a consultative body, con-<sup>Status.</sup>stituted to advise on any grade or type of education that the Governor may include within its scope.

7. The functions of the Board shall be—

Functions

- (a) to advise the Governor in regard to educational policy and principles, and to submit its views on any educational question which the Governor may refer to it: Provided that in the absence of such reference it may draw the attention of the Governor to any aspect of educational policy or administration which in its opinion requires attention ;
- (b) to assist the Director in the framing of regulations for the approval of the Governor in Council ;
- (c) to advise the Director on any administrative question that he may submit for the Board's opinion: Provided that in the absence of such reference it may draw attention to any aspect of administration that, in its opinion, requires attention ;
- (d) to undertake such executive duties as the Governor may from time to time impose, either indefinitely or for a stated period.

Chairman.

8. The Chairman of the Board shall be nominated by the Governor: Provided that, in his absence, the Board may elect one of its members as chairman at any meeting.

Business of the Board.

9. (1) The Chairman may at any time summon a meeting of the Board and on a requisition signed by any three members he shall summon a meeting.

(2) Such requisition shall state the object for which the meeting is required to be summoned.

(3) Meetings of the Board shall be public except when a majority of the Board shall decide to sit privately.

(4) Five members of the Board shall form a quorum.

(5) The Chairman shall have a casting vote as well as an original vote.

(6) The Board shall keep a Minute Book in which its proceedings shall be recorded.

Resignation and vacation of membership.

10. (1) Any member other than the Director nominated by the Governor in Council may resign his seat on the Board by letter addressed to the Governor.

(2) Any such member as aforesaid who has not, on the 31st day of December in each year, attended at least one-third of the meetings of the Board during the preceding twelve months, or during his tenure of office in such months, shall be considered to have vacated his seat on the Board, unless he has been absent owing to ill-health or with the leave of the Governor.

(3) In case of the absence on leave or through ill-health of any such member of the Board, the Governor in Council may nominate any other person to act in his stead.

### PART III

Distribution and grading.

#### SCHOOLS, TEACHERS AND MANAGEMENT

11. The Governor shall have and exercise final authority in regard to (a) the number, distribution, and grading of Government and of assisted primary and intermediate schools, (b) their assignment to a particular denomination or body, or to interdenominational management or, in the case of assisted community schools, to local non-denominational management, with reference not only to the religions of the people in the area under consideration, but also to the need for economy and efficiency, and (c) the retention or establishment of Government schools in areas where assisted schools cannot be maintained effectively and economically, or with due regard to the reasonable demands of all sections of the population.

**12.** (1) Pupils shall be admitted free to all Government and <sup>Admission.</sup> to all assisted primary schools.

(2) Pupils in Government and assisted intermediate schools may be charged such fees as may be prescribed.

**13.** No applicant shall be refused admission into any school <sup>Religion, race and language</sup> on account of the religious persuasion, nationality, race or language of such applicant or of either of his parents or of his guardian.

**14.** (1) It shall not be required as a condition of any child <sup>Conscience clause.</sup> being admitted into or continuing in an assisted primary or intermediate school that he shall attend or abstain from attending any Sunday school or any place of religious worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere from which observance or instruction he may be withdrawn by his parent or guardian, or that he shall attend the school on any day exclusively set apart for religious observance by the religious body to which the parent or guardian belongs.

(2) Religious instruction shall form part of the curriculum of every Government and of every assisted primary and intermediate school: Provided that any scholar may be withdrawn by his parent or guardian from such instruction or observance without forfeiting any of the other benefits of the school.

(3) The time during which religious instruction shall be given or during which any religious observance shall be practised shall be inserted in a time-table to be approved by the Director and such time-table shall be kept permanently and conspicuously affixed in every schoolroom.

(4) All teachers in Government primary and intermediate schools may be required to give religious instruction according to their own faith and according to a syllabus approved by the Head of the appropriate denomination or religious body; and any Minister of religion, or any person deputed in writing by him or by a religious body, shall be authorised to give religious instruction to the children of the religious denomination or body to which the Minister or deputed person belongs, at such times and places as may be agreed upon between him and the Director.

**15.** The Governor shall appoint such persons as he thinks <sup>Management of Government schools.</sup> fit to be managers of Government primary and intermediate schools and he may in his discretion remove any such manager at any time.

Management of Assisted Schools.

**16.** (1) Assisted primary and intermediate schools shall be under the control of boards of management to be appointed by the Head or governing body of a religious denomination or body approved by the Governor in Council for the purpose of conducting schools: Provided that assisted community schools shall be under the control of local school committees to be approved by the Governor in Council.

(2) Such boards of management and such local school committees shall deal with all matters relating to the establishment, organisation, and discontinuance of the schools under their control.

(3) The Head or governing body of the religious denomination or body in connection with which an assisted primary or intermediate school is conducted, or; in the case of an assisted community school, the local school committee, shall further appoint at least two managers of such school, and shall have power to require the retirement of any such manager: Provided that the Governor in Council may also require the retirement of any manager.

(4) The appointment and the retirement of any manager and of any member of the board of management for an assisted school and of any member of a local school committee shall be notified to the Director by the Head or governing body or local school committee concerned.

(5) No teacher or person who derives any profit or emolument from any primary or intermediate school shall be a manager of a school. A teacher may, however, be appointed a member of a board of management or of a local school committee.

Employment of teachers.

**17.** (1) Subject to the provisions of subsection (2) of this section—

(a) teachers in Government primary and intermediate schools shall be appointed, promoted, transferred, suspended and their services terminated by the Director;

(b) teachers in assisted primary and intermediate schools, other than assisted community schools, shall be appointed, transferred, suspended and their services terminated by the board of management: Provided that—

(i) all appointments, transfers and terminations of service shall be subject to the approval of the Director;

- (ii) all promotions shall be made by the Director after consultation with and subject to the approval of the board of management: Provided that promotions to headteacher-ships shall be made by the board of management, after consultation with and subject to the approval of the Director ;
- (c) teachers in assisted community schools shall be appointed, promoted, transferred, suspended and their services terminated by the local school committee after consultation with and subject to the approval of the Director.
- (2) (a) Where it is proposed to terminate the services otherwise than on retirement of a teacher in a primary or intermediate school who has been confirmed in his appointment—
  - (i) there shall be served upon the teacher a statement in writing of the grounds for termination of service ;
  - (ii) the teacher shall be given a reasonable opportunity to reply in writing to the said statement ;
  - (iii) an enquiry, at which the teacher shall be given an opportunity to be heard in his own defence, shall be conducted by the Director or by an officer in the Education Department deputed by him to act as his representative in the case of a teacher in a Government school, and by the board of management or local school committee, as the case may be, in the case of an assisted school ;
  - (iv) the Director or the board of management or local school committee, as the case may be, may, in his or its discretion, permit the teacher to be represented by another teacher or, in exceptional cases, by solicitor or counsel at the enquiry, and may at any time, subject to such adjournment as in the circumstances may be required, withdraw such permission ;
  - (v) a statement of the findings of the enquiry shall be served upon the teacher ;

- (vi) in the case of a teacher in an assisted school, the board of management or local school committee, as the case may be, shall furnish the Director with a copy of the proceedings of the enquiry together with its findings and any record of the teacher's defence either written or oral.
- (b) No teacher shall be suspended except in cases where his presence in the school is considered to be immediately harmful to the school.
- (c) A teacher who has been confirmed in his appointment may appeal against the termination of his services to the Governor: Provided that the Governor may refuse to consider any such appeal if it is not made by the teacher within fourteen days of the day on which notice is given to him that his services have been terminated.
- (d) In the case of an appeal, the Governor shall have power not only to consider the procedure leading up to the termination of the teacher's services, but also to enquire into the facts of the case.

#### PART IV

##### COLONIAL SCHOLARSHIPS

Colonial  
Scholarships.

18. (1) (a) The Governor in Council may in each year award four Colonial Scholarships (which shall be known respectively as the Modern Studies Scholarship, the Mathematics Scholarship, the Science Scholarship and the Language Studies Scholarship) to students of Government or assisted secondary schools, who shall have passed such examination and shall have satisfied such requirements as may be prescribed by regulations made under this section. The Governor in Council may in any year allocate one of the four scholarships for a special purpose.
- (b) The Governor in Council may in each year award a Colonial Scholarship, which shall be known as the Colonial Scholarship (Girls), to a girl student attending any Government or assisted secondary school, who shall have passed such examination and shall have satisfied such requirements as may be prescribed by regulations made under this section.

(2) The Director, in consultation with the Board and subject to the approval of the Governor in Council, may make regulations prescribing the examination to be passed by candidates for each scholarship, the conditions to be observed by candidates before admission to the examination, and the conditions to be observed by scholars during the period of the scholarship.

(3) The Governor in Council may refuse to award a scholarship to any student who is in his opinion unfit by reason of his character or conduct to hold such scholarship.

(4) Every student to whom a scholarship is awarded shall undertake the study of a profession selected by him with the approval of the Governor in Council at a university in the British Commonwealth of Nations or at any other approved educational institution or college.

(5) Subject to the conditions hereunder prescribed, scholarships shall be of such amount as the Governor in Council may in each case decide, which amount shall be payable out of public funds in such instalments and on such dates as the Governor in Council may from time to time determine:—

- (a) Each scholar to whom a scholarship is awarded shall be paid a maintenance allowance, of such amount per annum as the Governor in Council may decide, for a period of four years or for such shorter period as he may hold the scholarship and an outfit allowance and an allowance for medical expenses not exceeding such amounts as the Governor in Council may decide: Provided that the Governor in Council may, on being satisfied that further financial assistance is required after the expiration of four years to enable the scholar to complete his course of study and that such scholar is making reasonable and satisfactory progress in his studies, authorise the payment of the aforesaid maintenance allowance from year to year for a further period.
- (b) All matriculation fees, registration fees, ordinary tuition and examination fees, and other fees certified by the Director of Colonial Scholars as being necessary for the approved course of study, shall be paid on behalf of the scholar.
- (c) A passage allowance, of such amount as the Governor in Council may decide, in respect of the passage from the Colony to the place of study shall be paid to each student to whom a scholarship

has been awarded and in the event of a scholar returning to the Colony within a year of the completion of his studies a further sum, of such amount as the Governor in Council may decide, shall be paid in respect of the passage back to the Colony : Provided that the Governor in Council may extend the time of such payment to two years after the completion of a scholar's studies for the purpose of enabling the scholar to obtain further qualifications or experience in his profession or course of study.

(6) The Governor in Council may, by order in writing under his hand, deprive of his scholarship at any time during the currency thereof any scholar who in his opinion has been guilty of gross misconduct, and may in like manner deprive of his scholarship any scholar who in the opinion of the Head of the university, institution or college in which he is studying has failed over a period of not less than one year to make reasonable and satisfactory progress in his studies. On any such order being made all rights of the scholar in respect of such scholarship shall immediately cease and determine.

## PART V

### COLLEGE EXHIBITIONS

College  
exhibitions  
and bursaries.

19. The Governor in Council may in each year award exhibitions and bursaries of such number and value as may be deemed advisable, tenable at any Government or assisted secondary school or intermediate school.

## PART VI

### GRANTS FROM GENERAL REVENUE

Conditions of  
grants-in-aid.

20. Subject to the provisions of this Ordinance and to the regulations made thereunder, any assisted school, training college or hostel may, on application being made by the Head or governing body of the religious denomination or body by which such school, college or hostel is maintained, or, in the case of an assisted community school, on application by the chairman of the local school committee, receive such aid from public funds as is prescribed by regulations made under this Ordinance.

Registers and  
records.

21. (1) There shall be kept in respect of every assisted school, training college or hostel such registers as may be required by the Director and such registers shall be produced for inspection when required by the Director.

(2) A detailed statement of the expenditure of the grant to any such school, training college or hostel in respect of the previous year ending the 31st day of December, shall be submitted annually before the 31st day of January :

Provided that there shall be submitted in respect of any school, training college or hostel recognised after the 1st day of January, 1935, for the purpose of receiving aid from public funds, such other statements of expenditure and revenue as may be required by the Governor ;

(3) Every assisted school, training college or hostel shall be open to inspection by the Director or any officer in the Education Department deputed by him in writing to act as his representative.

22. (1) No grant shall be made to any assisted school, training college or hostel— Refusal of grants-in-aid.

- (a) in respect of which there is failure to comply with the requirements of this Ordinance or of regulations made thereunder ;
- (b) unless the grant to such institution shall be applied only for educational purposes approved by the Director ;
- (c) which the Governor in Council considers superfluous or unnecessary ;
- (d) which is maintained for the financial benefit of an individual or any group of individuals.

(2) Nothing in this section or in the preceding section shall be understood as involving an enquiry into the application by the recipients of any emoluments, salaries of managers, masters or teachers, any grant given or which may hereafter, with the approval of the Board, be given to any college or educational body in lieu of salary or for the remuneration or subsistence of teachers or other persons not being students in hostels, bonuses, gratuities, rewards or sums paid for merely occasional services. Saving as to certain enquiries.

## PART VII

## FREE TUITION

Free tuition  
to children  
of deceased  
public officers  
and teachers.

23. The Governor may grant free tuition and the use of the necessary stationery and school books at any Government or assisted secondary school or at any Government or assisted intermediate school to the child or children of any person dying while in the service of the Government, or during service as a teacher under this Ordinance, or of any person who at the time of his death was in receipt of a pension payable from public funds in respect of service under the Government or as a teacher.

## PART IX

## REPEAL

Repeal Ch. 14.  
No. 1.

24. The Education Ordinance is hereby repealed.

Passed in Council this fourth day of May in the year of Our Lord one thousand nine hundred and fifty-one.

HAROLD LEACOCK,  
*Clerk of the Council*