

LAWS OF TRINIDAD AND TOBAGO

EDUCATION ACT

CHAPTER 39:01

Act

1 of 1966

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Note on Subsidiary Legislation

1. The Remuneration (Teaching Service) Orders made under this Act have been omitted. References to these may be found in the current Consolidated Index of Acts and Subsidiary Legislation.

2. For other Regulations relating to education, *See* regulations 125 to 145 of the Public Service Commission Regulations (GN 132/1966) published as subsidiary legislation to the Constitution of the Republic of Trinidad and Tobago Act (Ch. 1:01).

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EDUCATION ACT

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purpose of exercising such powers and performing such duties with regard to the control and management of an assisted school as are conferred or imposed on it by this Act or the Regulations;

“Chief Personnel Officer” means the Chief Personnel Officer referred to in section 13(2) of the Civil Service Act; Ch. 23:01.

“classification” means the assignment of an office to a grade;

“composite school” means a public school established for any locality for the provision of primary education and secondary education;

“comprehensive school” means a school intended for providing all the secondary education facilities needed by the children of a given area at all levels, but not organised in clearly defined types of education;

“dispute” means any matter respecting members of the Teaching Service upon which agreement has not been reached between the Personnel Department and the appropriate recognised association and which is deemed to be a dispute under section 66 or 67;

“former Education Ordinance” means the Education Ordinance repealed by this Act; Ch. 14, No. 1. (1950 Ed.).

“Government School”, “assisted school”, “public school” and “private school” have the meanings given thereto in section 11;

“grade” includes a range given in the Classification of Offices set out in the First Schedule; First Schedule.

“intermediate school” means a school recognised under the former Education Ordinance as providing primary or post-primary education for pupils up to the age of eighteen years;

“local advisory committee” means a committee appointed for a local education district;

“local education district” means a district established by the Minister under section 10 for the purposes of this Act;

“Local School Board” means a Board constituted in accordance with section 23;

“Manager” means the person appointed by the governing body as such for the purpose of exercising such powers and performing such duties as are conferred or imposed on him by this Act or the Regulations;

“Minister” means the Minister responsible for Education;

“office” means an office in the Teaching Service assigned to a grade;

“parent” includes a guardian;

“pay” means the rate of pay assigned to an office in a grade by a Remuneration Order referred to in section 56(2);

Ch. 23:01.

“Personnel Department” or “the Department” means the Personnel Department established under the Civil Service Act;

“primary school” means a school for the provision of primary education within the meaning of section 6;

“proprietor” means the person or authority who provided the private school, whether the legal estate or interest is vested in that or in some other person or authority;

“Teaching Service Commission” means the Teaching Service Commission established by section 124 of the Constitution;

“remuneration” means pay and allowances;

“school” means an institution approved by the Minister for the education of children;

“school attendance officer” means a person appointed for the purposes of Part III, and includes a Supervisor;

“secondary school” means a school for the provision of secondary education within the meaning of section 6;

“secondary general school” means a school catering for a group or groups of children selected for any particular type or types of secondary education;

Ch. 23:01.

“Special Tribunal” means the Special Tribunal established by section 21(1) of the Civil Service Act;

“Supervisor” means a Supervisor of Schools appointed for the purposes of this Act;

Ch. 14, No. 1.
(1950 Ed.).

“teacher” means a person registered as such under the former Education Ordinance or under this Act and the Regulations;

“Teachers’ Register” means the register required to be kept under section 47 for the registration of persons who were registered as teachers under the former Education Ordinance, and of such other persons qualified for registration as teachers under this Act and the Regulations; Ch. 14, No. 1.
(1950 Ed.).

“Teaching Service” means the unified Teaching Service established under section 53;

“trade union” means an association which is registered as a trade union under the Trade Unions Act. Ch. 88:02.

GENERAL

3. The powers conferred on the Minister by this Act shall be exercised so as to ensure— General
purposes of
Act.

- (a) the promotion of the education of the people of Trinidad and Tobago, and the establishment of institutions devoted to that purpose by means of which he shall thereby contribute towards the development of the human resources, physical, mental, moral and spiritual of the community;
- (b) the establishment of a system of education designed to provide adequately for the planning and development of an educational service related to the changing needs of the community;
- (c) the effective execution of the education policy of the Government.

4. (1) The Minister is responsible for securing the purposes set out in section 3 and for the due administration of this Act and in the exercise of the powers conferred on him by this Act, the Minister may do all things necessary or convenient for the purpose of carrying out his responsibilities under this Act. General
responsibility of
the Minister.
[77 of 2000].

(2) In addition to the several duties imposed on the Minister by this Act, the Minister shall be responsible for—

- (a) devising a system of education calculated as far as possible to ensure that educational and vocational abilities, aptitudes and interests of the children find adequate expression and opportunity for development;

- (b) conducting schools and establishing, managing, maintaining and assisting schools in accordance with Regulations to be made by him from time to time;
- (c) *(Repealed by Act No. 77 of 2000)*;
- (d) assisting needy pupils so as to enable them to participate in the facilities offered by the education system.

Powers of the Minister.

5. For the purpose of the performance of his responsibilities under this Act the Minister may—

- (a) require the attendance of children of compulsory school age at schools established and conducted under this Act;
- (b) regulate the operation of private schools;
- (c) make provision for the professional training of teachers for the entire system of public education, and lay down standards which are applicable to the recruitment of teachers, their training and conditions of service;
- (d) constitute committees or other bodies to advise him from time to time on educational and related matters;
- (e) prescribe curricula, textbooks and practices in all public schools so as to ensure conformity with national standards of education;
- (f) establish and disestablish schools including schools for technical education and inaugurate classes and discontinue those classes;
- (g) do all such other things as may be found expedient from time to time for the carrying out of his responsibilities for education and training.

System of public education.

6. (1) The system of public education shall be organised in three stages, that is to say—

- (a) primary education which shall consist of full-time education suitable to the requirements of junior pupils;

- (b) secondary education, which shall consist of full-time education suitable to the requirements of senior pupils who are under the age of twenty years;
- (c) further education, which shall consist of—
 - (i) full-time education beyond secondary education or in addition thereto;
 - (ii) part-time education;
 - (iii) leisure-time occupation in organised cultural training and recreative activities available in pursuance of any provision made under this Act, for further education for pupils who have attained the age of fifteen years.

(2) In addition to the three stages of public education mentioned in subsection (1), there may be provided special schools suitable to the requirements of pupils who are deaf, mute, blind, retarded or otherwise handicapped.

7. No person shall be refused admission to any public school on account of the religious persuasion, race, social status or language of such person or of his parent.

Prohibition of discrimination.

8. (1) The Minister may establish a National Advisory Committee for the purpose of advising him as to the performance of his responsibilities under this Act.

Power to establish a National Advisory Committee.

(2) The Advisory Committee shall comprise of such number of members as the Minister may determine, appointed from among persons representing—

- (a) the teaching profession and expert educational opinion;
- (b) parents of children attending public schools and parent-teacher associations;
- (c) religious denominations;
- (d) organisations concerned with—
 - (i) community development;
 - (ii) librarianship; and
 - (iii) such areas of national affairs as the Minister considers appropriate.

(3) Appointment as a member of the Advisory Committee shall be published in the *Gazette* and shall be for such period as is specified in the instrument of appointment.

(4) The Advisory Committee may advise the Minister on any matter relating to the promotion of education.

Powers of
Advisory
Committee.

9. (1) In a case where the Advisory Committee think it desirable or expedient to do so, the Committee may, with the approval of the Minister before advising and reporting to the Minister on any matter concerning the promotion of education, appoint one or more of their number to hold, or may if they think it advisable themselves hold, such public inquiry into the matter as they may think fit; and when one or more members of the Advisory Committee are appointed to hold the inquiry they shall make a report to the Committee.

(2) In a case where the Minister thinks it expedient or proper to do so, he may require the Advisory Committee to hold an inquiry respecting any matter affecting the promotion of education, and where he has so required the Committee, the Committee may appoint one or more of their number to hold, or may if they think it advisable themselves hold, such inquiry as is required; and when one or more members of the Advisory Committee are appointed to hold the inquiry they shall make a report to the Committee.

Power to
establish local
advisory
committees.

10. (1) For the purpose of conveniently exercising the functions, powers and duties conferred or imposed on him by this Act the Minister may establish local education districts.

(2) The Minister may appoint local advisory committees in respect of any local education district consisting of such number of members appointed from among persons representing such of the interests set out in section 8(2) as the Minister considers appropriate.

(3) Appointment as a member of a local advisory committee shall be for such period as is specified in the instrument of appointment.

(4) A local advisory committee shall advise the Minister on such matters as are referred to it by the Minister, and such a committee may advise the Minister on such other matters relating to education within the local education district as it considers fit and proper.

PART I

ESTABLISHMENT OF SCHOOLS

PUBLIC SCHOOLS

11. (1) For the purposes of this Act the school system shall be organised in two categories to be known as public schools and private schools. Classification.

(2) Subject to this section a public school is a school maintained at public expense to which the general public has access without any condition, other than those required or authorised by this Act and the Regulations.

(3) In subsection (2), the expression “a school maintained at public expense” means that the school is so maintained at the expense of the public generally and not at the expense of a particular section of the public, whether the expense is met wholly or partly out of public funds or otherwise, and whether such school is provided by some person or authority other than the Government or not; and such a school shall be treated as a public school notwithstanding that entry to such school is normally confined to persons residing in a particular locality.

(4) A Government school is a public school wholly owned by the Government.

(5) An assisted school is a public school, the Board of Management of which has received or is in receipt of public funds for building or extension or rebuilding or for the equipment and facilities provided for the school.

(6) A private school is a school provided and maintained by some person or authority other than the Government.

12. (1) The Public School system shall be comprised of such schools as may from time to time be found necessary Public schools. [27 of 1984].

for the efficient carrying out of the responsibilities of the Minister, and may include—

- (a) infant or nursery schools or departments of schools providing education suitable for children under the age of five years;
- (b) primary schools or primary departments of schools providing education suitable for children of age 5-12 years;
- (c) intermediate schools established under the former Education Ordinance;
- (d) junior secondary schools or junior secondary departments of schools providing education suitable for children of age 12-14 years;
- (e) secondary general or comprehensive schools or both providing education suitable for children of age between 12 and 20 years;
- (f) vocational or technical schools or vocational or technical departments of schools providing education suitable for the needs of craftsmen and technicians;
- (g) teachers' colleges or institutions for the professional training of teachers for service in the schools of the country;
- (h) special schools for the education and training of children who are handicapped in such a way as to require special educational facilities for their best development;
- (i) any other schools or departments of schools for the education of adults and youths along suitable courses.

Ch. 14, No. 1.
(1950 Ed.).

(2) Having due regard to the educational requirements of the pupils residing in any locality and after such consultation as he considers desirable and in the case of an assisted school, with the approval of the Board of Management, the Minister may designate, redesignate, classify and reclassify public schools to fulfil the purposes of education deemed most expedient from time to time.

(3) Notwithstanding section 6(1)(b) and subsection (1)(e), a pupil at a school referred to in subsection (1)(e) may be allowed to write examinations at advanced level of the General Certificate of Education in the calendar year in which he attains his twentieth birthday so long as he has not attended secondary school in the public school system for a period in excess of eight years in the aggregate.

13. The Minister shall cause to be provided such number of public schools as is in his opinion necessary to secure a sufficient number of school places for children of compulsory school age.

Duty to provide public schools.

14. (1) Assisted schools existing at the commencement of this Act shall be deemed to have been established by this Act and shall continue as public schools under this Act and the Regulations.

Establishment of existing and future public schools.

(2) Subject to this Act, private schools established before or after the commencement of this Act may become public schools only in accordance with this Act and the Regulations.

BOARDS OF MANAGEMENT OF ASSISTED SCHOOLS, MANAGERS

15. (1) Where, in accordance with section 14(1), at the commencement of this Act any school is deemed to have been established as an assisted school, there shall be established, for the purpose of exercising the control of the school, a Board of Management consisting of persons appointed by the authority which established the school, save that the Minister may require the school to be controlled jointly with any other assisted school operated by the same authority.

Boards of assisted schools.

(2) Every assisted school established after the commencement of this Act shall be controlled by a Board.

(3) The Board shall consist of not less than three members, except that there may be more than three members of any such Board if that Board controls more than one school or there are special reasons which render it desirable to have more than three members on that Board.

Policy directives.

16. Subject to this Act, a Board shall act in accordance with any special or general directives of the Minister concerning the exercise and performance of its powers and duties conferred or imposed on it by this Act and the Regulations.

General powers and duties of Board of assisted schools.

17. (1) Subject to this Act and of any Regulations made thereunder, a Board with regard to assisted schools under its management—

- (a) shall have the control and management of all matters relating to the establishment and maintenance of new schools, the making of applications for recognition of new schools, the maintenance of existing schools, the rebuilding or extension of schools and such other matters relating to the organisation of such schools as may from time to time be referred to them;
- (b) shall receive, disburse and account for the expenditure of such grants-in-aid as may from time to time be allocated to them from public funds;
- (c) shall be responsible to the Minister for the efficient maintenance of schools under its authority, for the provision of all requisite furniture and for keeping school buildings in a good state of repair and sanitation;
- (d) shall furnish such returns as the Minister may from time to time require;
- (e) may, from time to time as may be necessary, appoint or suspend or dismiss a manager of a school or schools, and may delegate to the manager such of the powers and duties of the Board as it may think fit;
- (f) may, pursuant to a resolution in that behalf, establish and maintain at a bank, in accordance with subsections (2) and (3), accounts, as respects money paid to the Board in accordance with section 20, for the purposes of the school or schools under its control in such manner and in such amount as may from time to time be determined by the Comptroller of Accounts;

(g) shall generally have and exercise all the powers, duties and functions conferred on Boards of assisted schools by this Act or by any Regulations made thereunder.

(2) Any such account that is established by the Board of any assisted school may be held jointly in the names of, and be operated by, the secretary and one other person to be appointed in that behalf by the Board, or may, with the express approval in writing of the Comptroller of Accounts but not otherwise, be in the sole name of, and be operated by, the secretary or other approved officer of the Board.

(3) Money in any such account shall be available only for the payment of salaries, wages, emergency expenditure and such other expenditure as the Board and the Comptroller of Accounts may jointly approve. A statement of all payments made from the account shall be submitted to the Board for approval at its first ordinary meeting thereafter. The payment of money out of the account for any purpose not hereby authorised shall be deemed to be a misappropriation of the funds of the Board.

18. (1) The Board of an assisted school shall provide for full and true accounts, respecting receipt and expenditure of public funds, to be kept in the manner prescribed by Regulations made under this Act, or (if the manner of keeping the accounts is not so prescribed) in a manner approved by the Minister.

Accounts and audit.

(2) For the purpose of the audit of such accounts, the Board of an assisted school is a statutory authority within the meaning of Part V of the Exchequer and Audit Act.

Ch. 69:01.

19. (1) The Board of every assisted school shall cause to be forwarded to the Minister before the last day of March in each year, a report for the previous year containing a statement of accounts in the form approved by the Minister respecting receipt and expenditure of any public funds paid to it in accordance with section 20 for the year ending with the thirty-first day of December preceding, and such other information as the Board may consider appropriate.

Annual reports as to assisted schools.

(2) For the purpose of verification of the accounts referred to in subsection (1), the Minister may require such additional information, in such form as he may in any particular case direct, as he considers necessary.

(3) Where a Board controls the management of more than one assisted school, a separate report for the purposes of this section shall be forwarded in respect of each assisted school under its control.

Grants to governing bodies of assisted schools.

20. The Minister may, out of money appropriated for that purpose by Parliament, pay to the Board of each assisted school grants for such purposes as may from time to time be prescribed.

Duties of managers of assisted schools.

21. Every manager shall be responsible for the efficient performance of—

- (a) such duties as may be delegated to him by a Board of Management;
- (b) such duties as are delegated to him by the Minister including—
 - (i) the checking of attendance register at least once a month;
 - (ii) the furnishing of such reports as may be prescribed or required at any time by the Minister;
 - (iii) the protection of school premises and furniture against improper use.

Prohibition on imposition of charges or other requirements on pupils.

22. (1) Except with the written permission of the Minister, a Principal or Board of Management may not impose a charge of any kind whatsoever on pupils in a public school—

- (a) in return for any service provided by the school or by the Principal, Board or any teacher;
- (b) as a contribution in respect of any activities normally undertaken as part of the curriculum of the school.

(2) A Principal or Board of Management may not require any pupil in a public school to procure his books, stationery, uniform or other appliances required for participation in the courses or other activity of the school from any particular person or supplier.

(3) In subsection (1) “charge” includes a requirement for payment in money or money’s worth.

LOCAL SCHOOL BOARDS—GOVERNMENT SCHOOLS

23. (1) The Minister shall, by Order, constitute Local School Boards for Government Schools with each Board constituted in accordance with the Regulations. Management of schools. [26 of 2000].

(2) Subject to this Act, a Local School Board shall be responsible for the management of the school with respect to the matters and in the manner prescribed.

(3) A Local School Board shall prepare and submit to the Minister before the end of each financial year an annual report of its operations which includes a financial and management audit of the Board.

24. In the absence of the establishment of a Local School Board under section 23, Government schools shall be controlled by a Supervisor of Schools designated as manager of the school subject to the directions of the Minister, and the Supervisor shall exercise such powers, functions and duties as the Minister may confer. Management of Government schools where no Local School Board. [26 of 2000].

25. The Principal of every Government school shall prepare and forward through the Supervisor to the Minister before 1st March in each year, a report for the previous year containing a statement of accounts in the form approved, and containing such information as is required by the Minister. Annual reports as to Government schools.

GENERAL AS TO PUBLIC SCHOOLS

26. A Supervisor shall, as respects all public schools be responsible for the exercise and performance of such powers, duties and functions as are prescribed, and in particular for— Supervisor responsible for certain functions.

- (a) the supervision and inspection of the programme of education required by the curriculum;
- (b) ensuring that school premises, property and stock are protected against improper use;

- (c) the submission of reports on matters relating to the discipline of teachers;
- (d) the conduct and supervision of courses of induction and training for untrained teachers in service as well as courses for other teachers;
- (e) the observance of the provisions of this Act and the Regulations pertaining to the conduct of schools;
- (f) arranging for the approval of such special leave to teachers as may be granted them in accordance with the Regulations;
- (g) arranging for the approval of school holidays that may be granted in accordance with the Regulations;
- (h) considering and assessing the confidential reports of teachers;
- (i) furnishing such returns as may be prescribed or required at any time by the Minister;
- (j) dealing with all other matters of organisation, management and administration as may be referred to him by the Minister;
- (k) co-operating with appropriate authorities in the exercise of authorised schemes;
- (l) supervising the due performance of the functions of Managers.

Responsibilities
of Principals.
[26 of 2000].

27. Subject to this Act and the Regulations, Principals of schools shall be responsible for the day to day management of their school including—

- (a) the supervision of the physical safety of pupils;
- (b) the suitable application of the syllabus in conformity with the needs of the pupils of the school, and the administration of the school's programme;
- (c) allocation and supervision of the duties and responsibilities of members of their staff;
- (d) the discipline of the school;

- (e) teaching;
- (f) the proper use of school equipment and stock;
- (g) the keeping of proper records;
- (h) the making of financial reports through the Manager and the Supervisor to the Minister containing a statement of accounts in the form approved as well as such information as is required by the Minister;
- (i) the furnishing of such returns as may be prescribed or required at any time by the Minister or their respective Boards;
- (j) ensuring the observance of the provisions of the Act and any Regulations made thereunder in their respective schools;
- (k) co-operation with parents and with approved authorities in the execution of authorised schemes.

28. (1) Notwithstanding anything in this Act, the Minister may, after having due regard to the educational requirements of pupils resident in any locality and after such consultation as he considers desirable, establish, in a Government school, a composite school for any locality for the provision of primary education and secondary education. Composite schools.

(2) Notwithstanding anything in this Act, the Minister may, having the like regard and with the approval of the Board of Management concerned, wherever he considers it expedient, direct that an assisted school shall be administered as a composite school for any locality for the provision of primary and secondary education.

(3) The extent to which primary education and secondary education are to be provided in any composite school established under subsection (2) shall be determined by the Minister.

(4) Every composite school established under this section shall be known by such designation as the Minister may approve as appropriate having regard to the range of instruction provided for in the particular school.

Conscience clause.

29. (1) No child shall be required as a condition of admission into, or of continuing in, a public school—

- (a) to attend or to abstain from attending any Sunday School or any place of religious worship;
- (b) to 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
- (c) to attend the school on any day specially set apart for religious observance by the religious body to which the parent belongs.

(2) Religious instruction shall form part of the curriculum of every public school, and the facilities for religious observance in the school shall be provided in such manner as is prescribed, save, however, that any pupil may be withdrawn by his parent from the instruction or observance without forfeiting any of the other benefits of the school.

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

PRIVATE SCHOOLS

Private schools to be registered.

30. Subject to this Act, no person shall keep or continue to keep a private school unless the school and the proprietor are registered in the Register of Schools required to be kept under this Act.

Private Schools Register.

31. (1) The Minister shall cause to be kept in such manner as may be prescribed, a Register of Private Schools, to be known as the Private Schools Register in this Part referred to as “the Register”.

(2) There shall be entered on the Register every private school established before or after the commencement of this Act in respect of which an application for the purpose is made in the

prescribed form and as regards which the Minister is satisfied that the requirements of this Act and the Regulations are satisfied.

32. (1) A copy of the Register certified correct by the Minister shall be published in the *Gazette* before the expiration of six months from the commencement of this Act and the Minister shall from time to time as occasion requires certify and publish in the *Gazette* any additions or amendments thereto.

Publication of Register.

(2) A copy of the Register or any amendments thereto shall be conclusive proof of the schools that are private schools for the purposes of this Act.

33. (1) If in the opinion of the Minister a private school which is on the Register has ceased to be conducted in accordance with the requirements of this Act and the Regulations, he may, where no action has been taken to rectify the deficiencies within such time as the Minister may allow, cancel the registration of the school upon giving three months notice thereof to the proprietor.

Cancellation of registration.

(2) A proprietor upon receipt of the notice of cancellation of the registration of his school under this section may, at any time before the date on which the cancellation takes effect, appeal in the prescribed manner to a Court of summary jurisdiction against cancellation.

(3) On any such appeal the appellant and the Minister, as respondent, may appear personally or may be represented by some other person or by an Attorney-at-law.

(4) The Court shall hear and determine the appeal and make such order as it thinks just having regard to the merits of the case and the public welfare.

(5) Where an appeal is dismissed, cancellation of the registration of the school shall take effect from the date of the making of the order or upon the expiration of the notice referred to in subsection (1), whichever is the later date.

34. (1) Whenever there is any change in the ownership of the school or its location, or any modification in respect of any

Returns as to private schools.

of the prescribed particulars, the proprietor shall forthwith furnish the Minister with a supplemental return containing the correct particulars.

(2) If a private school remains closed for a longer period than thirty consecutive days (except for regular holidays, not exceeding twelve weeks, in any one year) the proprietor shall furnish the Minister with a supplemental return giving the reasons for the closing of the school and the period the school is likely to remain closed, and if subsequently the proprietor desires to reopen the school, a new return containing the particulars referred to in subsection (1) shall be furnished to the Minister before the school is reopened. The registration of a private school that remains closed for longer than a period of one year shall be deemed to have been cancelled.

(3) In the month of September in each year every proprietor of a private school shall furnish the Minister with a return in respect of the previous school year containing the following particulars:

- (a) the number of meetings during which the school was opened;
- (b) the number of pupils on roll at the end of the school year;
- (c) the average attendance for the school year;
- (d) the percentage of attendance of the total possible attendances for the pupils on roll.

Disqualification as a teacher.

35. No person shall be employed in a private school as a teacher or act as a teacher therein, unless his name is registered on the Teachers' Register.

Offences in respect of returns, and employment of teachers.

36. (1) A proprietor of a private school who—

- (a) fails to furnish the returns required by this Act or the Regulations, and in the manner so required;
- (b) furnishes a return which he knows or ought reasonably to have known to be false or misleading in a material particular; or

- (c) knowingly employs as a teacher any person who is disqualified under section 35 to act as such, or permits such person to act as a teacher,

is liable on summary conviction to a fine of one hundred and fifty dollars and in the case of a second or subsequent offence is liable to a fine of three hundred dollars and for any continuing offence under paragraph (c) to a further fine of thirty dollars for each day on which the offence continues after conviction therefor.

(2) Notwithstanding section 33, where a proprietor is convicted of an offence under subsection (1), the registration of the school is liable to be cancelled from the expiration of the time for appealing against conviction therefor if no appeal against such conviction has been made or as from the dismissal of the appeal, as the case may be.

(3) A person who is disqualified under section 35 and with knowledge of the disqualification acts as a teacher in a private school is liable, on summary conviction, to a fine of one hundred and fifty dollars.

37. (1) The Minister, or any public officer deputed by him in writing to act as his representative, may enter any premises wherein a private school is being conducted, at any reasonable time during school hours, for the purpose of making enquiries and discharging such duties as may be imposed on him by this Act or by the Regulations.

Minister or his representative may visit private schools and make enquiries.

- (2) A person who—
- (a) obstructs or resists the Minister or any such officer in the performance of his duties; or
 - (b) wilfully makes any false representation to the Minister or any such officer; or
 - (c) wilfully refuses to furnish the Minister or any such officer with any information which such person may be required to furnish by this Act or the Regulations,

is liable, on summary conviction, to a fine of one hundred and fifty dollars.

SCHOOLS FOR FURTHER EDUCATION

Saving of technical institutes already established.

38. Every school established as a technical institute or an institute for technical education existing at the commencement of this Act shall be deemed to have been established as a technical institute under this Act.

SPECIAL SCHOOLS

Special schools and classes.

39. (1) The Minister may—

- (a) cause to be established any special school;
- (b) cause to be established or authorise the establishment of, any special school, class, clinic or service, either as a separate unit or in connection with any public institution approved for the purpose by him;
- (c) make provision for special educational facilities to be provided by instruction by correspondence.

(2) The Minister may after consultation with the controlling authority disestablish any special school, class, clinic or service whether established under subsection (1) or not, if he is dissatisfied with the manner in which the school, class, clinic or service is being conducted, or if he considers that sufficient provision is made by another similarly established special school, class, clinic or service, or by any other school or class in or reasonably near to the same locality; except that in the last mentioned case he shall, if the controlling authority of the school, class, clinic or service so requires, give three months' notice of his intention to disestablish the same.

Other special classes or services providing special education.

40. In addition to the establishment of special schools, classes, clinics and services as provided for under section 39 the Minister may recognise for purposes of financial assistance such other classes or services providing special education or facilities supplementing special education as may from time to time be prescribed.

TEACHERS' COLLEGES

41. For the purpose of ensuring the better education and training of teachers, the Minister may cause to be established teachers' colleges and classes at such places as he may from time to time determine, and having due regard to the maintenance of the standard of that education and training, after such consultation as he considers desirable and, in the case of an assisted teachers' college, with the Board of Management, may disestablish any such teachers' college or class, or discontinue recognition of any college or class established before the commencement of this Act.

Establishment of teachers' colleges.

42. The Minister may, on behalf of the Government enter into agreements with the University of the West Indies—

Power to enter into agreements with U.W.I.

- (a) for the use of such facilities provided by the University for continuation or extension courses for teachers;
- (b) for associating and co-ordinating the facilities and programme of any teachers' college with those of the University;
- (c) for establishing standards for certification and recognition of qualifications of teachers;
- (d) for the promotion of Community Development, Education, Adult Education and Nursing Education.

GENERAL

43. In this Part, "suspend" means the temporary removal of a pupil from a particular school.

Interpretation.

44. (1) The principal of any public school may suspend from attendance any pupil who for gross misconduct may be considered injurious or dangerous to other pupils or whose attendance at school is likely for any serious cause to have detrimental effect upon the other pupils, so, however, that no such suspension shall be for a period exceeding one week.

Suspension and expulsion of pupils.

(2) Where any pupil is suspended from attendance under subsection (1) the principal of the school shall immediately notify the parent of the pupil and the Minister of the suspension and the reasons therefor and the Minister may, after receipt of the notification—

- (a) order the extension of the term of suspension in order to enable proper inquiries to be made;
- (b) after due investigation, order the reinstatement of the pupil on a date to be fixed by him;
- (c) order the removal of the pupil to another school including a special school;
- (d) order the expulsion of the pupil.

(3) Any order made by the Minister under subsection (2) shall be final.

Suspension or expulsion in private schools.

45. Where a child of compulsory school age is suspended or expelled from a private school, the principal of that school shall immediately notify the Minister.

Suspension on account of disease, etc.

46. The principal of any public school may suspend from attendance any pupil who may be likely to communicate any contagious disease and in every such case the principal shall forthwith report to the parents of the pupil and to the Supervisor of the school the action taken by him and the reasons therefor.

PART II

APPOINTMENT AND EMPLOYMENT OF TEACHERS

REGISTRATION OF TEACHERS

Teachers to be registered.

47. (1) Subject to this Act, no person is eligible to be appointed to be, or to continue to be, a teacher, unless his name is registered in the Register of Teachers hereinafter required to be kept.

(2) Subsection (1) shall be construed as requiring persons who are appointed temporarily, or in any probationary capacity, to positions as teachers to be registered; and any person whose registration has been cancelled on the grounds set out in section 51 shall not be appointed temporarily to a position as a teacher unless his name has been reinstated on the register.

48. (1) The Minister shall keep, in such manner as may be prescribed, a register of teachers, which shall be known as the Teachers' Register.

(2) All teachers who have been registered under the former Education Ordinance at the commencement of this Act, shall be deemed to be registered under this Act.

(3) The names of the following persons shall be entered by the Minister in the Teachers' Register:

- (a) every person whose name is not for the time being on the Teachers' Register but who is the holder of a teacher's certificate recognised in accordance with Regulations made under this Act and who applies to be registered;
- (b) every person to whom is issued on or after the commencement of this Act any such teacher's certificate;
- (c) every person who applies in the prescribed manner to be registered and who satisfies the Minister that he has the prescribed qualifications and is in other respects a fit and suitable person to be appointed as a teacher;
- (d) every person who at the commencement of this Act is employed as a teacher in a public or private school.

(4) A person who is refused registration for any reason may, within forty-two days of the date of the refusal, appeal in the manner prescribed in the case of the cancellation or registration by section 51, the provisions of which shall apply so far as they are applicable and with the necessary modifications.

49. A copy of the Teachers' Register, corrected to a date specified in that copy, shall be published in the *Gazette* within twelve months after the date of the commencement of this Act; and thereafter there shall be published in the *Gazette* from time to time a supplementary list of names added to the Teachers' Register subsequently to the date of the last publication of any names.

Teachers'
Register.

Ch. 14 No. 1.
(1950 Ed.).

Publication of
Register.

Removal of name from Teachers' Register on death.

50. On the death of a teacher registered as such on the Teachers' Register, the Minister shall cause his name to be removed from the Teachers' Register, and no notice of removal thereof shall be required to be published.

Removal of name from Teachers' Register for gross misbehaviour.

51. (1) If a teacher in a public school has been found by the Teaching Service Commission to be guilty of gross misbehaviour, or gross inefficiency or other conduct unfitting him for employment as a teacher, the Minister may, upon so notifying such person in writing, cancel the registration of that person and remove his name from the Teachers' Register.

(2) In the case of a teacher in a private school the Minister may cause an inquiry to be held at which the teacher shall have the right to be represented by some other person or by an Attorney-at-law, and if the teacher is found guilty of any such conduct as is mentioned in subsection (1), the Minister may cancel the registration of that person and remove his name from the Teachers' Register, and shall notify the person in writing of the cancellation.

(3) A teacher in a private school receiving notice of the cancellation of his registration as aforesaid, may, at any time before the date on which the cancellation takes effect, appeal in the prescribed manner against the cancellation.

(4) The appeal shall be heard and determined by a Judge in Chambers.

(5) On any such appeal the appellant and the Minister, as respondent, may appear personally, or may be represented by some other person or by an Attorney-at-law.

(6) The Judge in Chambers shall make such order as he thinks proper, having regard to the merits of the case and the public welfare.

(7) An appeal shall lie to the Court of Appeal, within such time as may be fixed by Rules of Court made by the Rules Committee under section 76 of the Supreme Court of Judicature Act from any determination by a Judge in Chambers upon appeal under subsection (3), and the determination of the Court of Appeal shall be final.

(8) If an appeal to a Judge in Chambers or to the Court of Appeal, as the case may be, is not made, or, if made, is dismissed by the Judge in Chambers or by the Court of Appeal, respectively, the cancellation of the certificate and registration shall take effect as from the date specified by the Minister in his notice of cancellation.

(9) A certificate under the hand of the Minister shall be sufficient evidence in any Court of the cancellation of registration of a teacher.

52. Where the name of any person has been removed from the Teachers' Register for gross misbehaviour, or for gross inefficiency or other conduct unfitting him for employment as a teacher, a notice of the removal shall be published in the *Gazette*. Notification of removal of name from Register.

THE TEACHING SERVICE

53. (1) For the purposes of the school system established by section 12, there is hereby established a unified Teaching Service, which shall comprise— Teaching Service established and classification, First Schedule. [25 of 1968 6 of 1970 1 of 1981].

- (a) all teachers appointed before the commencement of the Trinidad and Tobago Constitution (Amendment) Act 1968 (that is, 13th August 1968);
- (b) all teachers deemed under section 54(1) to be appointed members of the Teaching Service;
- (c) all teachers appointed by the Teaching Service Commission after the commencement of the Act referred to in paragraph (a),

and the Teaching Service shall, subject to this Act, be classified in accordance with the Classification Offices set out in the First Schedule. First Schedule.

(2) The President may by Order add to, vary or amend the Classification of Offices in the Teaching Service set out in the First Schedule. First Schedule.

(3) The Classification of Offices in the Teaching Service set out in the First Schedule, shall be the basis hereafter for any Classification Order made under this section. First Schedule.

(4) The classification title prescribed shall be observed in all records and communications of the appropriate Commission, the Auditor General and the Treasury and in all departmental estimates and parliamentary returns and appropriations.

Members of the Teaching Service—appointments. [6 of 1970].
Ch. 39:02.

54. (1) Subject to this section, upon the commencement of this Act the following persons shall be deemed to be appointed members of the Teaching Service:

- (a) all teachers within the meaning of the School Teachers' Pensions Act;
- (b) teachers within the meaning of the former Education Ordinance and who are employed in full-time service as such a teacher in any Government or assisted school;
- (c) teachers in Government or assisted schools whose names are required to be registered by section 48(3)(d).

Ch. 14. No. 1. (1950 Ed.).

(2) Subsection (1) shall be read and construed as excluding any teacher who, by virtue of the terms of his employment with the authority who controlled the assisted school, was employed for a specified period or upon such terms and conditions as are inconsistent with the terms and conditions applicable to a person who holds office in the Teaching Service under this Act and the Regulations.

55. (Repealed by Act No. 1 of 1981).

Remuneration Orders.

56. (1) The President may by Order—

- (a) determine the pay in respect of an office in a grade;
- (b) establish the allowances that may be paid in addition to pay;
- (c) give effect to any agreement entered into between the Chief Personnel Officer on behalf of the Minister of Finance and the appropriate recognised association; and
- (d) give effect to an award made by the Special Tribunal.

(2) Any order made in respect of the matters specified in subsection (1)(a) and (b) shall be referred to as a Remuneration Order.

57. Except where the contrary is otherwise provided in a Remuneration Order, increases of pay that may be granted in respect of an office in a grade in accordance with the Remuneration Order shall be annual, so however, that no increase of pay shall be made in respect of an office in a grade in which the member of the Teaching Service performing the duties of such office has not completed a period of twelve months continuous duty in such office. Increments.

58. A member of the Teaching Service shall hold office subject to this Act and any other written law, and unless some other period of employment is specified, for an indeterminate period. Tenure of office.

59. A person who is appointed to an office in the Teaching Service for a specified period shall cease to be a member of the Service at the expiration of that period. Term appointments.

60. A member of the Teaching Service who intends to resign his office shall give such period of notice as may be prescribed by Regulations. Resignation.

61. (1) A member of the Teaching Service may not engage in any business or trade or pursue any other activities for gain or reward without the permission in writing of the Public Service Commission to do so. Private undertakings by members of the Teaching Service.

(2) A member of the Teaching Service shall, during the school hours prescribed by Regulations made under this Act, devote his full time to teaching in the public school to which he is assigned and no member of the Teaching Service may teach or be required by any Principal or Board of Management to teach in a private school.

TERMINATION

62. The modes by which a member of the Teaching Service may leave the Teaching Service are as follows: Modes of leaving service.

- (a) on dismissal or removal in consequence of disciplinary proceedings;

- (b) on compulsory retirement;
- (c) on voluntary retirement;
- (d) on retirement for medical reasons;
- (e) on resignation;
- (f) on the expiry or other termination of an appointment for a specified period;
- (g) on the abolition of office;
- (h) in the case of a member of the Teaching Service on probation, on the termination of appointment;
- (i) in the case of a member of the Teaching Service holding a non-pensionable office with no service in a pensionable office, on the termination of appointment.

Duties of
Personnel
Department.
[45 of 1979].

63. (1) The Personnel Department shall in relation to the Teaching Service have the following duties:

- (a) to maintain the classification of the Teaching Service and to keep under review the remuneration payable to members of that Service;
- (b) to administer the general Regulations respecting the Teaching Service;
- (c) to provide for and establish procedures for consultation and negotiation between the Department and an appropriate recognised association or associations in respect of—
 - (i) the classification of offices;
 - (ii) any grievances;
 - (iii) remuneration;
 - (iv) the terms and conditions of employment.

(2) The Minister of Finance may from time to time make recommendations with regard to remuneration to be paid to members of the Teaching Service.

Consideration of
recommendation
on pay rates.

(3) The Minister of Finance shall, before making recommendations on remuneration under subsection (2)—

- (a) consider the requirements of the Teaching Service;
- (b) take into account the rates of pay and other terms and conditions of employment prevailing in

Trinidad and Tobago for similar work outside the Teaching Service, and the relationship of the duties of the various grades within the Teaching Service; and

- (c) be guided by the considerations set out in section 20(2)(a) to (f) of the Industrial Relations Act. Ch. 88:01.

(4) Prior to formulating any recommendations under subsection (2), the Minister of Finance may require the Personnel Department to consult with representatives of the appropriate recognised association with respect to the matters specified in subsection (1). Consultation with organisations.

64. Notwithstanding section 13(1) of the Civil Service Act, in the exercise of its duties and functions under sections 63, 65, 66, 67 and section 68(1) thereof the Personnel Department shall be subject to the direction of the Minister of Finance. Department in negotiations subject to direction of Minister of Finance. Ch. 23:01.

65. The Personnel Department shall, from time to time, consult with representatives of the appropriate recognised association with respect to the matters specified in section 63, at the request of such representatives or whenever in the opinion of the Minister of Finance such consultation is necessary or desirable. Consultation with association of members of the Teaching Service.

66. Where the Personnel Department consults and negotiates with representatives of the appropriate recognised association with respect to matters specified in section 63 at the request of such representatives, and the Personnel Department and the appropriate recognised association are, within twenty-one days of the commencement of such consultation and negotiation, or within such further period as may be agreed upon, unable to reach agreement on any matter, the Personnel Department or the appropriate recognised association shall report the matter on which no agreement has been reached to the Minister of Finance and on such report being made a dispute shall be deemed to exist as to such matter. Where no agreement reached on proposals of association.

Department to submit proposals to association for approval.

67. Where the Personnel Department before making proposals with respect to matters specified in section 63 does not consult with representatives of the appropriate recognised association, the Personnel Department shall submit the proposals to the appropriate recognised association for consideration and agreement, save that where the Personnel Department and the appropriate recognised association are, within twenty-one days of the submission of the proposals as mentioned above, or within such further period as may be agreed upon, unable to reach agreement on any matter, the Personnel Department or the appropriate recognised association shall report the matter on which no agreement has been reached to the Minister of Finance, and on such report being made a dispute shall be deemed to exist as to such matter.

Agreement reached with Department. [1 of 1981].

68. (1) Where the Personnel Department and the appropriate recognised association reach agreement on any of the matters specified in section 63 after consultation and negotiation in accordance with section 66 or 67, the agreement shall be recorded in writing and shall be signed by the Chief Personnel Officer on behalf of the Minister of Finance and by a person designated by the appropriate recognised association on behalf of the association. However, where there is pending before the Board an application for certification of recognition with respect to a bargaining unit or a petition for a variation of a bargaining unit, the Chief Personnel Officer shall not sign any agreement with any association relating to any of the matters specified in section 63(1) or any other matters concerning the members of the Teaching Service.

(2) Any agreement recorded and signed in accordance with subsection (1) shall be binding upon the Government and the members of the Teaching Service to whom the agreement relates.

Disputes to be referred to Special Tribunal.

69. (1) Where a dispute is deemed to exist under section 66 or 67, the Minister shall refer the dispute for settlement to the Special Tribunal within twenty-one days from the date on which the dispute was reported to him.

(2) Where the Minister fails to refer the dispute to the Special Tribunal within the time specified in subsection (1) the appropriate recognised association that is a party to the dispute

shall do so within twenty-one days from the date of the expiration of the time specified in subsection (1).

(3) For the purposes of this Act the parties to a dispute shall be the Chief Personnel Officer and the appropriate recognised association.

70. (1) The Special Tribunal shall hear and determine any dispute referred to it under section 69 and shall make an award on the dispute. Power of Special Tribunal. [45 of 1979].

(2) An award made by the Special Tribunal shall be final.

(3) In addition to taking into account any submissions, arguments and evidence presented or tendered by or on behalf of the appropriate recognised association and the Chief Personnel Officer, the Special Tribunal in its judgment shall be guided by the considerations set out in section 20(2)(a) to (f) of the Industrial Relations Act. Ch. 88:01.

71. (1) An award made by the Special Tribunal under section 70 shall be binding on the parties to the dispute and on all members of the Teaching Service to whom the award relates and shall continue to be binding for a period to be specified in the award, being a period of not less than five years from the date upon which the award takes effect. Awards to be binding on parties for fixed period.

(2) The Special Tribunal may with the agreement of the parties to an award review such award at any time after the expiry of the third year.

ASSOCIATIONS OF MEMBERS OF THE TEACHING SERVICE

71A. In this Part and in section 2— Definitions. [1 of 1981].

“bargaining unit” means the unit of teachers determined by the Board as an appropriate bargaining unit;

“Board” means the Registration Recognition and Certification Board established and constituted under section 21 of the Industrial Relations Act; Ch. 88:01.

“Secretary” means the Secretary of the Board referred to in section 22(2) of the Industrial Relations Act.

Functions of
Board.
[1 of 1981].

72. (1) All applications for certification of recognition and questions as to the appropriateness of bargaining units shall be heard and be determined by the Board.

(2) Every party to a matter before the Board is entitled to appear at the hearing of the Board, if any, and may be represented by an Attorney-at-law or by a duly authorised representative.

(3) The Board shall determine the periods that are necessary for the fair and adequate presentation of the matter by the respective parties thereto, and the Board may require those matters to be presented within the respective periods so determined.

(4) The Board may require evidence or arguments to be presented in writing and may decide the matters upon which it will hear oral evidence or arguments.

(5) All applications for certification of recognition and all questions as to the appropriateness of bargaining units brought before the Board shall be determined by a majority of the members of the Board present and entitled (and not otherwise disqualified to vote) in accordance with the provision of this Act.

(6) No decision, order, direction, declaration, ruling or other determination of the Board shall be challenged, appealed against, reviewed, quashed or called in question in any Court on any account whatever; and no order shall be made or process entered or proceeding taken by or in any Court, whether by way of injunction, declaratory judgment, *certiorari*, *mandamus*, prohibition, *quo warranto* or otherwise to question, review, prohibit, restrain or otherwise interfere with the Board or any proceedings before it.

(7) Subject to this subsection, for the purposes of dealing with any matter brought before it, the Board shall have all such powers, privileges and immunities as are vested in a Commissioner of Enquiry appointed under the Commissions of Enquiry Act to enforce the attendance of witnesses and examine them on oath, affirmation or otherwise and to call for the production of documents; and that Act shall, for the purposes of dealing with

such matters and exercising those powers and all other powers necessary or incidental thereto, apply as if expressly enacted herein.

(8) A summons signed by the Secretary to the Board shall have the same force and effect as any formal process capable of being issued in any action taken in the High Court of Justice for enforcing the attendance of witnesses and compelling the production of documents.

(9) For the purpose of the performance of its functions under this Act, the Board may co-opt the services of such public officers in the Ministry of Labour as the Minister of Labour may from time to time designate.

(10) The provisions of sections 25 and 26(1) to (4) of the Industrial Relations Act shall *mutatis mutandis* apply to this Part. Ch. 88:01.

72A. (1) During the hearing of any matter before the Board, the Board may, in its discretion, on the application of any party to such matter or on its own motion without such application, state a case on any point as to the interpretation or application of this Act or any other written law or rule of law, for the opinion of the Court. Board may state case to Court. [1 of 1981].

(2) The Court shall hear and determine all questions arising on the case stated, and the determination of the Court on any such questions shall be conclusive for all purposes.

(3) The statement of facts in any case so stated shall, for the purpose of the determination thereof, be conclusive.

(4) In this section "Court" means the Industrial Court established under section 4 of the Industrial Relations Act. Ch. 88:01.

73. (1) A member of the Board shall not, so long as he is in any way directly or indirectly concerned in any matter before the Board, take part in any deliberation or decision of the Board on such matter or officiate at any ballot taken by the Board for the purpose of determining such matter. Interest in matter before Board. [1 of 1981].

(2) It shall be open to any member of the Board present at any meeting thereof to challenge the entitlement of any other member of the Board, other than the Chairman, to take part

in any deliberation or decision on any matter before the Board, or to officiate at any ballot to be taken by the Board for the purpose of determining such matter, on the ground that such other member is directly or indirectly concerned in the matter before the Board by reason of the circumstances referred to in subsection (1).

(3) Upon any such challenge being taken, the Chairman shall enquire into the merits thereof and, after giving reasonable opportunity to the member challenged to be heard in answer thereto, the challenge shall be determined by a ruling of the Chairman, which ruling shall be binding and conclusive for all purposes.

(4) Where it is shown to the satisfaction of the Board that a member thereof has failed to comply with this section the Board may declare void all proceedings, determinations and other decisions, taken or made on this section, but no proceedings, determination or other decisions of the Board taken or made on any occasion of such failure shall be, or be deemed to be, invalidated by reason only of such failure unless the Board so declares.

Recognition by
Minister of
Finance of
majority
association.
[1 of 1981].

74. (1) The Minister of Finance shall recognise such association that obtains certification of recognition as a recognised majority association to represent any bargaining unit in accordance with the provisions of this Part as the appropriate recognised association for the purpose of consultation and negotiation in respect of any of the matters specified in section 63(1) and any other matters concerning the members of the Teaching Service.

(2) An association to which this Act applies may be registered as a trade union.

Duty to keep
accounting
records.
[1 of 1981].

74A. (1) The provisions of this section apply to every association, other than a trade union, to which this Act applies.

- (2) Every association to which this section applies shall—
- (a) cause to be kept proper accounting records with respect to its transactions and its assets and liabilities;
 - (b) establish and maintain a satisfactory system of control of its accounting records, its cash holdings and all its receipts and remittances;

- (c) make Rules providing for the good government of the association to carry out the objects of the association; and
- (d) file the Rules of the association with the Registrar General.

(3) Amendments to the Rules of an association shall be filed with the Registrar General and shall have effect from the date of the filing unless some later date is specified from which they shall have effect.

(4) For the purpose of paragraph (a) of subsection (2) proper accounting records shall not be taken to be kept with respect to the matters mentioned in that paragraph if there are not kept such records as are necessary to give a true and fair view of the state of the affairs of the association and to explain its transactions.

(5) The Rules made under subsection (2)(c) shall contain provisions in respect of the several matters specified in the Second Schedule.

Second
Schedule.

(6) If the Rules of an association do not contain provisions relating to the matters mentioned in subsections (2)(c) and (5), the Registrar General shall not accept for filing such Rules and if filed the filing is void.

74B. (1) An association, upon filing an application for certification of recognition, shall apply to the Board in writing in accordance with this Part.

Application for
certification of
recognition.
[1 of 1981].

- (2) An application under subsection (1)—
 - (a) shall be in the prescribed form, and
 - (b) shall describe the proposed bargaining unit in respect of which certification is sought.

(3) The association making the application (herein referred to as the “claimant association”) shall, within seven days, transmit a copy of the application to the Minister of Finance.

(4) For the purposes of the Registration Recognition and Certification Rules and Regulations made under this Act, the

Sub. Leg.

expression “employer” shall be read and construed as the Chief Personnel Officer.

Determination
final.
[1 of 1981].

74C. (1) Subject to this Act, all determinations of applications for certification of recognition by the Board under this Part as well as determinations as to the appropriateness of a bargaining unit under subsections (2) and (3) and as to variations thereof under section 74J shall be final for all purposes.

(2) The Board shall, on any application under section 74B(1), first determine the bargaining unit it considers appropriate in the circumstances (hereinafter referred to as the “appropriate bargaining unit”) and in so doing the Board shall have regard to—

- (a) the community of interest between the teachers in the proposed bargaining unit;
- (b) the nature and scope of the duties exercised by the teachers in the proposed bargaining unit;
- (c) the views of the Chief Personnel Officer and the association concerned as to the appropriateness of the bargaining unit;
- (d) the historical development in the Teaching Service, if any, of treating and negotiating with a view to the conclusion of an agreement or the revision or renewal thereof or the resolution of disputes;
- (e) any other matters the Board considers to be conducive to good industrial relations.

(3) In considering the appropriateness of a bargaining unit, the Board shall not be restricted by the terms of the application under section 74B(2)(b) and may, notwithstanding such terms, determine the bargaining unit most appropriate for teachers in accordance with subsection (2).

Certification by
Board.
[1 of 1981].

74D. (1) Subject to this Act, the Board shall certify as the appropriate recognised association that association which it is satisfied has, on the relevant date, more than fifty per cent of the persons comprised in the appropriate bargaining unit as members in good standing in the said bargaining unit.

(2) Where it appears to the Board that more than one association has as members in good standing more than fifty per cent of the persons comprised in an appropriate bargaining unit, it shall certify as the appropriate recognised association that association which has the greatest support of members of the Teaching Service determined by preferential ballot, being in any event more than fifty per cent of persons in the bargaining unit.

(3) All questions as to membership in good standing shall be determined by the Board, but a person shall not be held to be a member in good standing, unless the Board is satisfied upon examination of an association's books and accounting records that—

- (a) the association of which it is alleged the person is a member in good standing has kept proper accounting records and followed sound accounting procedures and practices;
- (b) the particular person—
 - (i) has, after the payment of a reasonable sum by way of entrance fee, become a member of the association, and has actually paid reasonable sums by way of subscriptions for a continuous period of eight weeks immediately before the application was made; or
 - (ii) has actually paid reasonable sums by way of subscriptions for a continuous period of not less than two years immediately before the application was made; and
- (c) no part of the funds of the association of which it is alleged the person is a member in good standing has been applied directly or indirectly in the payment of the entrance fee or subscriptions referred to in paragraph (b).

74E. Where an association is certified under this Part as the appropriate recognised association—

Effect of certification.
[1 of 1981].

- (a) that association shall immediately replace any other association that immediately before such

certification was the appropriate recognised association for the persons comprised in the bargaining unit and, subject to paragraph (c), shall have exclusive authority to be representative of such persons in the bargaining unit for consultation and negotiation in respect of any of the matters specified in section 63(1) and any other matters concerning such members of the Teaching Service so long as the certification remains in force;

- (b) if another association had previously been certified in respect of persons comprised in the bargaining unit, such certification of the other association shall be deemed to be revoked; and
- (c) if, at the time of certification, an agreement recorded and signed in accordance with section 68(1) is in force, the association shall be substituted as a party to the agreement in place of the association that was originally a party to such agreement.

Claimant
association fails
to be certified.
[1 of 1981].

74F. Where a claimant association fails in its application to be certified by the Board, the appropriate recognised association shall continue to have exclusive authority to be representative of such persons in the bargaining unit for consultation and negotiation in respect of any of the matters specified in section 63(1) and any other matters concerning such members of the Teaching Service so long as the certification remains in force.

Certification of
one association.
[1 of 1981].

74G. (1) Nothing in this Part shall be construed so as to permit the certification of more than one association as the appropriate recognised association to represent persons comprised in a bargaining unit.

(2) In this Part “relevant date” means such date as the Board considers appropriate for the purpose of determining any matter before it under this Part.

74H. (1) The Board shall issue a certificate under its seal to the association and to the Minister of Finance in every case in which it certifies an association as the appropriate recognised association.

Issue of certificate.
[1 of 1981].

(2) A certificate issued under subsection (1) shall state the following particulars:

- (a) the name of the association certified;
- (b) the bargaining unit;
- (c) the number of persons comprised in the bargaining unit at the relevant date;
- (d) such matters other than the foregoing as may be prescribed.

74I. (1) Subject to this Act, no application for certification of recognition under this Part shall be entertained or proceeded with where—

Application for certification not entertained.
[1 of 1981].

- (a) there is an appropriate recognised association for the same bargaining unit described in the application for certification; and
- (b) the application is made earlier than two years from the date on which the appropriate recognised association obtained certification as such, except that an application may be made by leave of the Court although two years have not expired since the certification was obtained.

(2) Where an association desires to obtain leave of the Court by virtue of the exception mentioned in subsection (1)(b) it shall make an application to the Court for the purpose and, if the Court is satisfied that good reasons exist for the application to be made before the expiration of two years from the date when the appropriate recognised association obtained certification as such, it shall grant leave accordingly.

(3) In determining whether good reasons exist under subsection (2), the question whether the association making the application before the Court has as members in good standing more than fifty per cent of the persons comprised in the bargaining

unit for which the appropriate recognised association is certified, may be taken into account, but may not be the sole reason on which leave is to be granted.

(4) Subject to this Act, no application for certification of recognition under this Part may be made by an association earlier than six months from the date when an application made by that association for certification of recognition with respect to the same bargaining unit or any part thereof was last determined or from the date when its certificate of recognition was cancelled.

(5) An application for certification of recognition under this Part once made may not be withdrawn, except by leave of the Board.

(6) In this section “Court” means the Industrial Court established under section 4 of the Industrial Relations Act.

Ch. 88:01.

Variation of bargaining unit after certification. [1 of 1981].

74J. (1) The bargaining unit and the record of certification of recognition under this Part may be varied in accordance with this section.

(2) A petition may be made to the Board not earlier than one year after the certification of recognition—

- (a) by the appropriate recognised association or by the Chief Personnel Officer for variation of a bargaining unit;
- (b) by persons within the bargaining unit, in respect of which the association is certified, for the exclusion from that bargaining unit of those persons or any of them on the ground that it is no longer an appropriate bargaining unit in so far as it includes those persons or any of them; or
- (c) by persons not within the bargaining unit for their inclusion in the bargaining unit for which the association is certified on the ground that it is an appropriate bargaining unit for their inclusion.

(3) The Board shall not entertain such a petition under subsection (2)(b) unless it is satisfied that not less than one-twentieth of the persons comprised in the bargaining unit have signified in writing their concurrence in the petition.

(4) Where the Board is satisfied, after having regard to the considerations set out in section 74C(2) and (3), on a petition made under subsection (2) that persons should be included in or excluded from a bargaining unit, it may vary the bargaining unit accordingly and make an order for the variation of the certification and record thereof made under section 74K.

(5) The certification of an association as an appropriate recognised association shall not be affected by reason only of inclusions in or exclusions from the bargaining unit pursuant to the provisions of this section.

74K. (1) Where an association is certified by the Board as the appropriate recognised association the particulars referred to in section 74H(2) shall be entered in a record of such association to be kept for that purpose by the Board in the prescribed form for the purposes of this Act; and the production of the record or of a copy of the relevant portion thereof, certified by the Secretary, shall be admissible in all Courts and shall be conclusive proof of the matters therein stated.

Particulars to be entered in a record.
[1 of 1981].

(2) Notwithstanding any rule of law to the contrary, an appropriate recognised association shall, for the purposes of this Act, be treated as such only when such particulars are recorded under subsection (1) and, subject to section 74E, as long as so recorded the association shall be deemed to continue always to be the appropriate recognised association.

74L. Notwithstanding the provisions of this Act, the Public Services Association, the Trinidad and Tobago Teacher's Union and the School Teachers' Association of Trinidad and Tobago shall continue to be recognised by the Minister of Finance as the bargaining bodies respectively for those members of the Teaching Service for whom they have hitherto been the bargaining bodies and shall continue to be so recognised until the Board certifies otherwise.

Saving existing bargaining bodies.
[1 of 1981].

75. The Board may make Rules regulating its own procedure and may make Rules providing for the form and manner in which matters may be brought before it and determined.

Rules.
[1 of 1981].

PART III

COMPULSORY EDUCATION

COMPULSORY SCHOOL AGE AND OFFENCES

Compulsory
education age.

76. (1) In this Act, the expression “a compulsory school age” means any age between six and twelve years and accordingly a person shall be deemed to be of compulsory school age if he has attained the age of six years and has not attained the age of twelve years, and a person shall be deemed to be over compulsory school age as soon as he has attained the age of twelve years.

(2) Notwithstanding subsection (1), the Minister, if he is satisfied that it has become necessary or expedient to raise or lower the upper limit of the compulsory school age, may by Order, subject to affirmative resolution of Parliament, within sixty days of the making of the Order, direct that the foregoing provisions of this section shall have effect as if for references therein to the age of twelve years there were substituted a reference to any age prescribed in the Order.

(3) Except with the permission of the Principal and under the supervision of a teacher deputed by him for the purpose, no child on the register of any public or private school may be admitted, whether on payment or otherwise, to any cinema show or other similar form of entertainment during the hours of 8.00 a.m. to 3.30 p.m. on any day on which attendance at school is by this Act and the Regulations required.

Ch. 11:19.

(4) No pupil enrolled on the register of any school, whether public or private, may be admitted to or allowed to remain on the licensed premises of any person who carries on pool betting business under a betting office licence within the meaning of section 26 of the Gambling and Betting Act.

Ch. 84:10.

(5) No pupil enrolled on the register of any school, whether public or private, may be admitted to or allowed to remain on the licensed premises of any person who carries on any business in connection with the sale, storage or conveyance of intoxicating liquor within the meaning of section 2 of the Liquor Licences Act and if any person contravenes this subsection, he is liable on summary conviction to a fine of one thousand five hundred dollars and to imprisonment for six months.

(6) A person who employs a child of compulsory school age during the hours and on any day referred to in subsection (3), is liable on summary conviction to a fine of three hundred dollars and in the case of a continuing offence to a further fine of thirty dollars for each day on which the offence continues after conviction thereof.

(7) If a corporation contravenes subsection (6), in addition to the corporation, every director and officer of the corporation who authorises, permits or acquiesces in the contravention is liable on summary conviction to the same penalty as the corporation.

(8) A person who contravenes subsections (3) and (4) is liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months.

COMPULSORY SCHOOL ATTENDANCE AND INSPECTION

77. Subject to section 78, it shall be the duty of the parent of every child of compulsory school age to cause him to receive efficient full-time education suitable to his age, ability and aptitude, by regular attendance at a school.

Duty of parents to secure the education of their children.

78. A child is excused from attendance at school—

When attendance excused.

- (a) if, in the opinion of the Minister, he is receiving satisfactory instruction at home or elsewhere;
- (b) if he is unable to attend school by reason of sickness or other unavoidable cause;
- (c) if he is excluded from attendance at school under any written law;
- (d) if he is absent temporarily as authorised under the Regulations.

79. School attendance officers shall be appointed for local education districts established by the Minister under section 10.

Appointment of school attendance officers.

Jurisdiction and responsibility of school attendance officers.

80. A school attendance officer has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age in any district.

Powers of school attendance officer.

- 81.** (1) A school attendance officer may—
- (a) enter without warrant any place where children may be employed or congregated;
 - (b) at the request of the parent apprehend and deliver to the school from which he is absent or to his parent, without warrant, any child found illegally absent from school.

(2) A school attendance officer shall report monthly to the Supervisor concerned on the prescribed form.

(3) A school attendance officer shall perform his duties under the direction of the Supervisor or Supervisors concerned, and shall, subject to the supervision of the Supervisor carry out all instructions and directions.

Inquiry by officer and notice.

(4) A school attendance officer shall inquire into every case of failure to attend school within his knowledge or when requested to do so by the Supervisor or Principal of a school, and shall give written warning of the consequences of the failure to the parent of a child who is not attending school as required, and shall also give written notice to the parent to cause the child to attend school forthwith.

Reports and information.

- 82.** (1) Every Principal of a public or private school shall—
- (a) report in accordance with the Regulations to the proper school attendance officer, and in the case of a primary school also to the Supervisor concerned, the names, ages and residences of all pupils of compulsory school age who have not attended school as required;
 - (b) furnish the school attendance officer with such other information as the officer requires for the enforcement of compulsory school attendance;
 - (c) report to the school attendance officer every case of suspension or expulsion.

(2) Where a child of compulsory school age has not attended school as required and there is no school attendance officer appointed for the local education district in which the child resides, the Supervisor concerned shall notify the parent of the child of the requirements of section 77.

Where no school attendance officer.

83. (1) A parent of a child of compulsory school age, who neglects or refuses to cause the child to attend school is, unless the child is legally excused from attendance, liable on summary conviction to a fine of seventy-five dollars.

Liability of parent.

(2) The Magistrate may, instead of imposing a fine, require a person convicted of an offence under subsection (1) to give a bond in the sum of three hundred dollars with one or more sureties to be approved by the Magistrate, conditioned that the person shall, after the expiration of five days, cause the child to attend school as required.

Bond for attendance.

84. (1) Prosecutions under section 83 may be instituted by the school attendance officer concerned.

Proceedings to be taken by attendance officers.

(2) In prosecutions under section 83, a certificate as to the attendance or non-attendance at school of any child signed or purporting to be signed by the Principal of the school, is *prima facie* evidence of the facts stated therein without any proof of the signature or appointment of the Principal.

(3) Where a person is charged under section 76(7) or under section 83 in respect of a child who is alleged to be of compulsory school age and the child appears to the Magistrate to be of compulsory school age, the child shall, for the purposes of such prosecution, be deemed to be of compulsory school age unless the contrary is proved.

Proof of age.

PART IV

MISCELLANEOUS AND GENERAL

85. (1) Every public school shall conform to the standards and comply with such requirements as are prescribed.

Regulations. [1 of 1981].

(2) Subject to this Act, the Minister may make such Regulations as are necessary or expedient for the due control and administration of assisted schools.

(3) Regulations made under this section may—

(a) as respects assisted schools—

(i) prescribe the course of study;

(ii) provide for the management thereof;

(b) as respects private schools, prescribe the conditions and the manner in which such schools may become public schools.

(4) The Minister may make Regulations providing for the general control, management, organisation and conduct of intermediate schools and intermediate departments attached to secondary schools including the admission of pupils, their attendance and their courses of study.

(5) The control and management of private schools shall be conducted by the persons responsible therefor in accordance with Regulations in that behalf made by the Minister.

(6) The Minister may make Regulations for the control and management of private schools and in particular in respect of the following matters:

(a) the size of classrooms and their equipment, the number of children that may occupy each classroom and the necessary toilet facilities to be provided;

(b) the safety, preservation of health and the prevention of the spread of disease among the pupils;

(c) the registers and other records to be kept by proprietors of private schools and the particulars to be supplied to the Minister by them;

(d) the suitability of premises;

(e) the suitability of the curriculum and courses and methods of instruction;

(f) generally, for more effectively carrying out the provisions of this Act respecting private schools.

(7) The Minister may make Regulations for all or any of the following purposes:

(a) defining the branches of further education, and the subjects to be taught in classes in further

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- education, and the course and number of hours of instruction therein, and providing for examinations therein;
- (b) providing for the mode in which applications for sums payable in respect of classes, scholarships, subsidies and grants-in-aid under this Act relating to further education shall be made;
 - (c) providing for the establishment of bursaries in any subjects of instruction under this Act relating to further education, and prescribing the amounts and tenure thereof, and the conditions subject to which they may be awarded and held;
 - (d) such other matters as he deems necessary in order to give full effect to the intention of this Act relating to further education.
- (8) The Minister may also make Regulations for all or any of the following purposes:
- (a) defining the categories of children requiring special education, providing for the mode of determining which children come within any category and for the examination of children who come within that category; and prescribing the general type of special education appropriate to children who come within any category;
 - (b) prescribing the conditions for the recognition for purposes of financial assistance under section 40 of special classes or services providing special education or services or facilities supplementing special education;
 - (c) providing for the expenditure of such money as may from time to time be appropriated by Parliament for the purpose of special education and for the establishment, maintenance and management of special schools, classes, clinics and services established under section 39;
 - (d) providing for the grading and staffing of special schools, classes, clinics and services providing special education;

- (e) providing for the general control, organisation, management and inspection of special schools, classes, clinics and services providing special education and defining the courses of instruction therein;
- (f) providing for the training of such teachers for the purposes of special education;
- (g) providing for the furnishing of such reports and returns in respect of special schools, classes, clinics and services providing special education as the Minister may from time to time require;
- (h) providing for such other matters as may be deemed necessary in order to give full effect to the intention of this Act relating to special education.

(9) The Minister may make Regulations for all or any of the following purposes:

- (a) providing for the control, organisation, management and conduct of teachers' colleges;
- (b) prescribing the divisions into which students of teachers' colleges are to be classified, and the conditions for the selection of students for those divisions, and for their admission to or continuation in and removal from teachers' colleges in those divisions;
- (c) prescribing the courses and curricula for students of the various divisions in teachers' colleges;
- (d) providing for the certification of teachers completing courses of training.

(10) For the purpose of administering any Regulations made under subsection (9)(b), the Minister shall have power to remove and to exercise disciplinary control over persons admitted to teachers' colleges in any division.

(11) Subject to the provisions of this Act, the President may make Regulations as he considers necessary or expedient for the execution of this Act and in particular may make Regulations—

- (a) prescribing the staff of teachers (including part-time teachers) to be employed in secondary schools and technical institutes;

- (b) prescribing conditions of payment of remuneration, increments and fees that may be paid to members of the Teaching Service;
- (c) prescribing conditions subject to which leave of absence may be granted to teachers; and authorising, subject to such conditions as may be prescribed, the payment of remuneration, in whole or in part, during such leave;
- (d) prescribing rates of allowances that may be paid towards the cost of, or incidental to the removal of members of the Teaching Service on transfer from one school to another;
- (e) authorising the making of advances in assistance of teachers' college students during their period of training, and prescribing the conditions as to payment and other conditions subject to which such advances may be made.

(12) Any Regulations made under this section may, in so far as they prescribe any rates of salaries or allowances, be made to come into force before or after the date of the making thereof or on that date.

86. (1) The Minister may make Regulations generally for the purpose of carrying this Act into effect and in particular for prescribing anything that is by this Act required to be prescribed.

General regulation—
making power.
[26 of 2000].

(2) Regulations made with respect to section 23 shall be subject to affirmative resolution of Parliament.

OFFENCES AND PENALTIES

87. A person who wilfully obstructs any person acting in the execution of this Act, or of any Regulation, Order or warrant made or issued thereunder is, in any case for which no other provision is made by this Act, liable to a fine of seventy-five dollars and for each subsequent offence to a further fine of one hundred and fifty dollars.

Penalty for obstructing execution of Act.

Offences and penalties.

88. (1) A person who contravenes any of the provisions of this Act is guilty of an offence, and any person guilty of an offence against this Act, except where the provisions by or under which the offence is created provides the penalty to be imposed, is liable on summary conviction to a fine of seven hundred and fifty dollars, and in the case of a continuing offence to a further fine of seventy-five dollars for each day during which the offence continues after conviction therefor.

(2) Regulations made under this Act may contain provisions for imposing on any person contravening the Regulations, a fine, recoverable on summary conviction of seven hundred and fifty dollars in respect of each offence and, in the case of a continuing offence, a further fine of seventy-five dollars for each day during which the offence continues after conviction therefor.

Continuing offences and penalties.

89. Where provision is made by or under this Act for the imposition of a daily penalty in respect of a continuing offence, the Court by which a person is convicted of the original offence may fix a reasonable period from the date of conviction for compliance by the defendant with any directions given by the Court and, where a Court has fixed such a period, the daily penalty shall not be recoverable in respect of any day before the expiration thereof.

***FIRST SCHEDULE**Section 53.
204/1976.**CLASSIFICATION OF OFFICES IN THE TEACHING SERVICE**

Where not otherwise specified the classifications of posts in this Schedule have effect as from 1st January 1974 (by virtue of GN 204/1976).

TEACHING POST IN SCHOOLS OR INSTITUTIONS

<i>Old Title of Post</i>	<i>New Title of Post</i>	<i>Effective Date</i>
	RANGE 5	
Assistant Teacher (Trainee)	Assistant Teacher (Trainee)	
	RANGE 12	
Assistant Teacher I	Assistant Teacher I	
	RANGE 16	
Assistant Teacher II	Assistant Teacher II	
	RANGE 23	
Assistant Teacher III	Assistant Teacher III	
	RANGE 31	
Technical/Vocational Teacher I	Technical/Vocational Teacher I	
	Games Master/Mistress (New Post)	1.1.76
	RANGE 31(A)	
Guidance Instructor of Mentally Handicapped	Guidance Instructor of Mentally Handicapped	
	RANGE 33	
Special Teacher I Teacher I	Special Teacher I Teacher I	
	RANGE 36	
Technical/Vocational Teacher II	Technical/Vocational Teacher II	
	RANGE 40	
Special Teacher II	Special Teacher II	

* This Schedule has been amended by the following: 205/1976, 211/1976, 113/1977, 200/1977, 201/1977, 120/1978, 52/1979, 1 of 1981, 92/1982, 71/1983, 137/1983, 177/1984, 241/1988.

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FIRST SCHEDULE—Continued

<i>Old Title of Post</i>	<i>New Title of Post</i>	<i>Effective Date</i>
	RANGE 40 (E)	
Vice-Principal I	Vice-Principal I	
	RANGE 42	
Technical/Vocational Teacher III	Technical/Vocational Teacher III	
Special Teacher III	Special Teacher III	
	RANGE 46	
Teacher II	Teacher II	
Technical/Vocational Teacher IV	Technical/Vocational Teacher IV	
	Language Teacher (New Post)	
	RANGE 46(F)	
Principal I	Principal I	
	RANGE 49(G)	
	Dean	1.1.82
	Head of Department	1.1.82
	RANGE 53	
Land Surveyor I	Land Surveyor I	
Electrical Engineer I } Mechanical Engineer I }	Engineer I	1.1.81
	Technical/Vocational Teacher V	1.3.81
	RANGE 53(C)	
Principal, Vocational Centre	Principal, Vocational Centre	
	RANGE 53(E)	
Dean of Women Students	Dean of Women Students	
Head of Department (Teachers' College)	Head of Department (Teachers' College)	

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<i>Old Title of Post</i>	<i>New Title of Post</i>	<i>Effective Date</i>
Vice-Principal II	RANGE 53(F) Vice-Principal II	1.1.82
Head of Department (Technical Institute)	RANGE 56 (G) Head of Department I (Technical Institute)	1.11.87
Vice-Principal III (Teachers' College)	Vice-Principal III (Teachers' College)	
	Head of Department I Technical Institute	1.3.81
Land Surveyor II Principal II	RANGE 59(D) Land Surveyor II Principal II	
	Technical/Vocational Teacher VI	1.3.81
	Head of Department, Technical Teacher Training	1.8.79
Head of Department (Land Surveying)	RANGE 61 Head of Department II (Land Surveying)	1.11.87
Vice-Principal (J. S. D. Technical Institute)	Vice-Principal (J. S. D. Technical Institute)	
	Head of Department II Technical Institute	1.3.81
	Vice-Principal, San Fernando Technical Institute	1.3.81
Principal (Mausica Teachers' College)	RANGE 62 Principal (Mausica Teachers' College)	
Principal (J. S. D. Technical Institute)	RANGE 63 Principal (J. S. D. Technical Institute)	
Principal II San Fernando Technical Institute	Principal San Fernando Technical Institute	1.3.81

Section 75.
[1 of 1981].

SECOND SCHEDULE

**MATTERS TO BE PROVIDED FOR IN THE RULES OF
AN ASSOCIATION FORMED PURSUANT TO
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 3. The manner of making, altering, amending and rescinding rules.
 4. A provision for the appointment and removal of a general committee of management, of a trustee, treasurer and other officers.
 5. A provision for the investment of the funds, and for an annual or periodical audit of accounts.
 6. The inspection of the books and names of members of the Association by every person having an interest in its funds.
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 9. The powers, duties and functions of the Executive Committee of the Association.
 10. Disputes between members of the Association and the Executive Committee thereof.
 11. *(Deleted by Act No. 1 of 1981).*
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EDUCATION (TEACHING SERVICE) REGULATIONS*made under section 85(11)*85/1967.
[85/1968
116/1969
175/1976
75/1981
184/2000].

1. These Regulations may be cited as the Education (Teaching Service) Regulations. Citation.

PART I**PRELIMINARY**

2. In these Regulations—

Interpretation.
[184/2000].

“acting appointment” means the temporary appointment of an officer whether on promotion to a higher office or otherwise whether that office is vacant or not;

“Agency” means the Ministry of Education or the Tobago House of Assembly, as the case may be;

“appointment” means the appointing of a person in an office in the Teaching Service;

“Commission” means the Teaching Service Commission;

“office” means any office that is by the Act deemed to be an office in the Teaching Service;

“Permanent Secretary” includes the Chief Administrator, Tobago House of Assembly;

“prescribed form” means such form as may from time to time be prescribed by the Minister;

“secondment” means any temporary movement to another office in the Teaching Service of an officer holding a permanent appointment or the temporary movement of an officer holding an office in the Teaching Service to a position outside the Teaching Service;

“Service” means the Teaching Service;

“teacher” except where described as a part-time teacher means a teacher in full-time employment in a public school;

“temporary appointment” means the appointment of a teacher to a temporary office or the appointment of a person temporarily to a permanent office.

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Copy to be deposited.

3. A copy of these Regulations shall be deposited in each school for the information of all teachers.

PART II

ORGANISATION AND STRUCTURE OF THE TEACHING SERVICE

4. (*Revoked by LN 75/1981*).

Requirement for posts in the Teaching Service.

5. The minimum requirements for entry into, and for appointment to grades and posts in, the Teaching Service are subject to such modifications as may from time to time be considered necessary and expedient by the Minister.

PART III

RECRUITMENT

APPOINTMENTS

Maximum age of recruitment.

6. (1) The maximum age of recruitment of teachers shall be forty-five years.

(2) Notwithstanding subregulation (1), persons over the age of forty-five years may for special reasons be recruited on contract.

Vacancies to be filled normally by citizens.

7. (1) Subject to subregulation (2), vacancies in the Teaching Service shall be filled by recruitment of citizens of Trinidad and Tobago resident in Trinidad and Tobago or by recruitment of citizens of Trinidad and Tobago resident outside Trinidad and Tobago.

(2) A vacancy in the Teaching Service may be filled by the recruitment of a person who is not a citizen of Trinidad and Tobago, if the Commission is unable to find a citizen of Trinidad and Tobago who is suitable to fill the vacancy except that, the vacancy shall not be filled by a person who is not a citizen of Trinidad and Tobago, whether recruited from inside or outside of Trinidad and Tobago, unless he is the holder of a permit to work in Trinidad and Tobago, or has been unconditionally admitted into Trinidad and Tobago before the coming into force of the Act.

(3) The carrying into effect of this regulation does not affect the rights of the holders of public offices in the public service that by the Act are made public officers in the Teaching Service, to be considered for promotion or transfer within the Teaching Service.

8. (1) The date of first appointment to the Teaching Service shall be the day on which the teacher assumes duty. Date of appointment.

(2) If a teacher is selected for appointment from outside Trinidad and Tobago, the date of appointment shall be the date of embarkation for this country.

9. A candidate for appointment shall undergo a medical examination by a Government Medical Officer or in the case of a person resident outside of Trinidad and Tobago, by a medical practitioner approved by the Minister and shall not be appointed unless he has been passed as medically fit. Medical examination.

10. (1) A pensioner shall not be re-employed in the Teaching Service on contract unless it is established to the satisfaction of the Teaching Service Commission— Re-employment of pensioners.

(a) that the pensioner is in possession of essential experience or technical qualifications which make him particularly useful to the Teaching Service; and

(b) that it is not possible to fill the particular post by the promotion of a suitable officer or by a new appointment.

(2) Where the re-employment of a pensioner is contemplated, before making any recommendation in that behalf to the Teaching Service Commission, the Board of Management in the case of an Assisted School, or the Permanent Secretary in the Ministry of Education, in the case of a Government school, shall report the matter to the Personnel Department which shall consult the appropriate association. In the event of a disagreement between the Personnel Department and the appropriate association a dispute shall be deemed to exist and the provisions of section 69 of the Act shall apply.

(3) A pensioner re-employed in accordance with subregulation (1) shall be employed only on contract.

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(4) In subregulations (1) and (2) the expression “re-employment of a pensioner” means—

- (a) the appointment of a person who has retired from the Teaching Service and is in receipt of superannuation benefits of whatever nature; or
- (b) the continuation of employment of a teacher beyond the age of compulsory retirement.

PROBATIONARY APPOINTMENTS AND SECONDMENTS

First appointment.

11. On first appointment to the Teaching Service, a teacher shall be required to serve on probation for a period of two years except as herein otherwise specifically provided.

Probation on promotion.

12. A teacher who is promoted shall be required to serve on probation for one year in the office to which he is promoted.

Secondments.

13. (1) A teacher on secondment shall draw the full pay of the post to which he is seconded and is eligible for increments, if any, normally payable in such a post.

(2) The pay of a teacher on secondment shall be paid by the receiving Ministry or Department, Government, Administration or Organisation.

(3) During the period of secondment, the teacher shall be deemed to remain on the establishment of the Teaching Service, and is eligible for promotion *in absentia*.

(4) The service of a teacher while on secondment counts for superannuation purposes.

(5) A teacher who has been on secondment is eligible for the leave applicable to the office to which he is seconded and while on such leave he shall be paid the pay of that office.

PART IV

PAYMENT, PENSIONS AND GRATUITIES

Pensions and gratuities.

14. The award of pensions and gratuities shall be governed by the provisions of the Pensions Laws in force for the time being.

15. (1) The computation and authorisation of pensions and gratuities of persons whose retirement from the Teaching Service is known to be impending shall be treated as urgent matters of high priority.

Priority to be given to computation of pensions and gratuities.

(2) The Permanent Secretary shall ensure that particulars of service and salary of all teachers whose retirement is known to be imminent are furnished accurately to the Comptroller of Accounts, Ministry of Finance, not less than three calendar months before the date on which the teachers concerned are due to retire, in order to enable the computation and checking of pensions, retiring allowances and gratuities to be completed by the Comptroller of Accounts and the Auditor General and submitted for authorisation before the date on which the teacher's retirement from the Service is due to take effect.

(3) The Comptroller of Accounts shall keep separate records with respect to each teacher in the Teaching Service, showing the various offices held by each teacher and the emoluments drawn by him while in the Teaching Service.

CERTIFICATES OF SERVICE AND TESTIMONIALS

16. (1) No teacher shall give a personal testimonial to another teacher.

Testimonials, references, etc.

(2) Teachers shall not give recommendations and testimonials to candidates for posts in the Teaching Service, but may, however, act as referees for candidates for posts in the Service.

PART V

REMUNERATION, ADVANCES AND INCREMENTS

REMUNERATION

17. (1) On first appointment, a teacher's pay shall be computed from the date of his assumption of duty. A teacher selected for first appointment from outside Trinidad and Tobago may be allowed to receive half pay from the date of his embarkation for Trinidad and Tobago and full pay from the date of his assumption of duty, which shall be the date of arrival in Trinidad and Tobago.

Computation of pay on first appointment.

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(2) On promotion, a teacher shall normally receive the pay attached to the post to which he is promoted from the date of his promotion.

Commencing pay.

18. (1) Subject to subregulation (2), upon first appointment, the commencing pay shall be the minimum of the scale applicable to the office (whether the appointment is temporary, acting or permanent).

(2) Where the Commission is of the opinion that the qualifications or experience of a teacher warrants a higher pay than the minimum of the scale applicable to the office to which he is first appointed, the Commission may authorise payment at such point in such scale as it may consider appropriate to the particular case.

Pay on secondment.

19. The pay payable to a teacher on secondment shall conform with the rates and conditions for payment of pay applicable to the office to which the officer is seconded. A teacher who has completed a period of secondment shall normally revert to the point in the pay scale he would have reached if he had not been seconded.

Date of pay.

20. (1) Pay shall be paid on the day before the last full business day of the month. When, however, the last business day falls on a Saturday or a Monday, payment of pay shall be made on the preceding Thursday or Friday respectively.

(2) The Minister of Finance may vary the date of pay specified in subregulation (1) to an earlier date, whenever it appears to him expedient to do so.

Acting appointments in higher grades.

21. (1) Subject to the conditions set out in subregulation (2), a teacher appointed to act in a grade higher than his substantive grade shall receive pay as follows:

If at the time he is appointed to act his substantive pay is—

- (a) less than the minimum pay of the higher grade, he shall receive the minimum of the higher grade;
- (b) equal to or greater than the minimum pay of the higher grade, he shall continue to receive the pay of his substantive grade.

- (2) The conditions referred to above are—
- (a) there shall be a qualifying period of twenty-eight consecutive days of acting in a higher grade before an officer becomes eligible for an acting allowance;
 - (b) the qualifying period may be part of a continuous period of acting or may precede any period of continuous acting which the teacher may subsequently be called upon to perform;
 - (c) no teacher who has completed a qualifying period shall be required to undergo a second qualifying period while in the same grade.

ADVANCES

22. (1) An advance not exceeding one month's pay may, Advances. subject to the approval of the Minister of Finance, be made to a teacher proceeding on vacation of not less than fourteen days, to be spent either out of Trinidad and Tobago or in Trinidad and Tobago away from his ordinary place of residence. Provision shall be made for the advance to be paid to the teacher either in Trinidad and Tobago before he proceeds on vacation or at his request while he is abroad.

(2) Interest is payable on any advance of pay made under this regulation, and at such rate as the Minister of Finance may from time to time determine.

(3) Advances made under this regulation shall be repaid by twelve monthly instalments, the first instalment falling due at the end of the month following that in which the teacher resumes duties.

(4) An advance not exceeding one month's pay may be made to a teacher through a Trinidad and Tobago Overseas Mission in cases of emergency, each case being dealt with on its merit. An advance granted under this regulation is repayable in twelve monthly instalments or in such longer period as the Minister of Finance may determine.

(5) A teacher may be granted an advance from public funds to enable him or a member of his family to go abroad

for medical attention which cannot adequately be provided in Trinidad and Tobago. Such an advance may be made on the following conditions:

- (a) a medical certificate from a panel of not less than two Government Medical Officers, stating what advantages are to be derived from medical treatment abroad, must be submitted;
- (b) except in special circumstances, the amount of advances will be limited to thirty per cent of the teacher's annual pay and restricted to the expenditure actually necessary in connection with the proposed journey and the cost of the treatment;
- (c) the teacher must furnish adequate security to the satisfaction of the Minister of Finance, and the sum advanced will be subject to interest at such rate as the Minister of Finance may from time to time determine;
- (d) the advance will be repayable within one year by monthly instalments. In the case where the advance is made to a teacher on his own behalf the instalments shall commence at the end of the month following that in which the teacher resumes duty. Where the advance is made to the teacher on behalf of a member of his family, the instalments shall commence at such time as the Minister of Finance might think fit, taking into consideration all the circumstances of the particular case.

Minister may
authorise special
advances.

23. (1) The Minister of Finance may authorise an advance for other purposes not specified in these Regulations.

(2) Security to the satisfaction of the Permanent Secretary in the Ministry of Finance must be furnished when an advance exceeds one month's pay.

(3) Applications for advances should be made to the Permanent Secretary, Ministry of Finance, and shall be forwarded by the Permanent Secretary in the Ministry of Education through the Comptroller of Accounts.

(4) Advances, if approved, shall be recovered by deductions from the teacher's pay in not less than twelve monthly instalments as shall be fixed by the Permanent Secretary, Ministry of Finance. In determining the number of monthly instalments, the indebtedness of the teacher shall be taken into account.

24. On no account shall money be deducted from a teacher's salary without prior notice in writing of not less than one month.

Deductions from advances.

INCREMENTS

25. When a teacher holds an office carrying a pay scale, increments shall be paid to the teacher, subject to a report on the completion of each year of satisfactory service, until he has reached the maximum of the scale. A teacher shall be paid his increment whether he holds a permanent or temporary appointment or is on secondment, subject to the provisions of these Regulations. The increments paid shall be in the amounts prescribed for the particular office from time to time.

Payment of increments.

26. (1) A teacher's incremental date shall be the anniversary date of his first appointment or promotion to his grade. In cases where an officer's appointment or promotion is effective from the date of his assumption of duties, his incremental date shall be the anniversary date of his assumption of duty.

Incremental date.

(2) A teacher who is transferred from one office to another office carrying the same pay scale will retain his previous incremental date. The Permanent Secretary shall sign incremental certificates on the prescribed form, effective from the dates when the teacher's increments become due, and shall attach the certificates to the paysheets for the months in which the increments accrue.

27. (1) A teacher appointed or promoted to an office on probation shall not be granted an increment until he has been confirmed in his appointment. Upon confirmation, however, his incremental date shall be the anniversary of the date of appointment provided that his probationary period has not been extended.

Increments on appointment or promotion on probation.

(2) A teacher who is appointed on probation for a period longer than one year is eligible for an increment after one year's service provided that the Permanent Secretary or Head of the Department signs the necessary increment certificate. He shall not receive any other increment until he has been confirmed in his appointment. Upon confirmation, his incremental date shall be the anniversary of the date of appointment provided that his probationary period has not been extended.

(3) Where a teacher's probationary period has been extended and he has been confirmed in his appointment, his new incremental date shall be the date after which his probationary period expired.

Increments where lower scale overlaps higher scale.

28. In cases of promotion where the lower scale of pay overlaps the higher scale, or where the lower scale of pay touches the higher scale, a promoted teacher shall receive an immediate increment in the new scale.

Increments in acting appointments.

29. (1) A teacher who is appointed to act shall not be paid increments in the higher office but shall continue to draw increments in his substantive office, subject, however to the following:

- (a) where he was not earning increments in his substantive office, and the post in which he is acting is a pay scale, the teacher shall receive an increment in the higher scale on the anniversary date of his acting appointment;
- (b) where he has reached the maximum pay of his substantive office which maximum pay is equal to or greater than the minimum, but less than the maximum of the higher office, he shall receive an increment in the higher scale as in paragraph (a).

(2) The grant of increments under subregulation (1)(a) and (b) shall be subject—

- (a) to the teacher acting continuously for a period of twelve months in the higher office;

- (b) to the issue of an increment certificate certifying satisfactory service on the prescribed form by the Permanent Secretary.

(3) The period of continuous acting shall not be considered to have been broken if during such period the teacher is on sick leave or occasional leave.

30. In cases where a teacher has been acting in a higher grade for more than twelve months and is in receipt of the minimum pay of the higher office (or in addition to the minimum pay, has earned one or more increments) he shall continue to draw the minimum pay of the higher grade (together with any increments he may have earned for entry in the office) after a break in the acting appointment for any reason other than study leave, provided that—

Acting for period in excess of twelve months.

- (a) the break was caused by his proceeding on annual or sick leave;
- (b) the teacher resumed duty in the higher office in which he was acting before the break.

PART VI

ALLOWANCES, LEAVE, ETC.

SEPARATION ALLOWANCE

31. (1) A teacher shall be considered to be “separated” if as a result of an appointment, posting or transfer he is compelled to take up residence in another district without being able to take his family with him, with the result that he is required to maintain two establishments because—

Definition of “separated”.

- (a) suitable accommodation cannot be immediately found in the new district;
- (b) it would not be reasonable to expect the teacher to remove from his present residence; or
- (c) he could not reasonably be expected to travel daily from his present residence to the new district.

(2) A teacher so separated may be paid a temporary separation allowance related to the additional expenditure incurred by him in maintaining two establishments.

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Definition of
"family".

32. In these Regulations "family" shall be taken to mean a teacher's wife and children, his mother, father, brothers, sisters, who are living with and are dependent on him.

Conditions of
payment of
separation
allowances.

33. The payment of the allowance shall be subject to the following conditions:

- (a) it shall not exceed the maximum amount set out in the Table in this regulation;
- (b) it shall normally be paid for a period not exceeding three (3) months in the case of a permanent appointment, posting or transfer. Where, however, the appointment, posting or transfer is known to be, or turns out to have been temporary, that is for a period not exceeding six months, payment shall be made for the whole of the period;
- (c) extension of the period of payment shall be made only on the authority of the Permanent Secretary, Ministry of Finance;
- (d) no allowance shall be paid where the period of separation is less than one month;
- (e) the teacher claiming the allowance shall be required to produce a certified statement, supported by payment receipts where possible showing the additional expenditure involved by having to maintain two establishments. The allowance granted shall be a sum equivalent to the additional expenditure incurred, but not exceeding the maximum payable in the Table in this regulation;
- (f) all teachers whether on permanent or on temporary appointment shall be eligible to receive a temporary separation allowance;
- (g) a teacher claiming the allowance must certify that he is in fact separated in accordance with the definition set out at regulation 31;

- (h) a teacher shall not receive both the temporary separation and subsistence allowance in respect of the same period.

TABLE

Officers whose remuneration does not exceed \$...per annum.
 Officers whose remuneration does not exceed \$...per annum.

34. All claims for a temporary separation allowance must be submitted monthly on the prescribed form. No claims shall be entertained which are not made within six months after the period to which the claims relate. Claims must be submitted through the Permanent Secretary to the Permanent Secretary in the Ministry of Finance.

Claims for temporary separation allowance.

35. Notwithstanding regulation 33, where in the opinion of the Minister the appointment, posting or transfer of a teacher causes the teacher undue hardship, the Minister may approve of the payment of the allowances for such further period during the continuance of the appointment, posting or transfer as he may think fit.

Hardship.

36. The rate of allowance having been approved, it shall be payable through the whole period for which the allowance has been approved.

Duration of allowance.

SPECIAL TRAVEL ALLOWANCES

37. A temporary teacher (that is, an officer who does not hold a substantive appointment in the Teaching Service) who is not a travelling officer who lives more than eight (8) miles from his station of duty shall be paid an allowance at the rate of eight dollars (\$8.00) per month for travelling, provided that the officer travels between his home and station each working day of the month.

Allowances for temporary teachers.

38. A teacher who is required to travel abroad on official business is entitled to receive—

Teachers travelling abroad.

- (a) transport approved by the Minister of Finance to and from the place of business;

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- (b) appropriate hotel accommodation and meals;
- (c) transport within the country (including reasonable taxi hire);
- (d) official telephone and telegram charges, and such other expenses which may be incurred in connection with the transaction of the official business; and
- (e) a subsistence allowance at approved rates to cover out-of-pocket expenses.

Power of
Ministry of
Finance.

39. The Permanent Secretary in the Ministry of Finance shall issue appropriate instructions which will determine by what class an officer shall travel.

Clothing
allowance.

40. (1) Teachers who are required to travel to cold or temperate climate countries on official business shall be paid such warm-clothing allowance as the Minister of Finance may from time to time determine. An officer who has received such an allowance is not eligible for a further allowance within a period of two (2) years from the date of receipt of the first allowance.

(2) Teachers who are required to travel outside Trinidad and Tobago on official business, shall, unless otherwise permitted, travel by the national airline.

Subsistence.

41. A teacher who is required to proceed outside Trinidad and Tobago on official business shall be paid a subsistence allowance for the period beginning with the day he leaves Trinidad and Tobago and ending with the day he returns inclusive, in accordance with rates approved by the Minister of Finance. In determining the currency in which the allowance mentioned above shall be paid, the Ministry of Finance shall draw up a schedule of hard and soft currency areas and the officer shall receive payment as follows:

- in hard currency areas—U.S. currency;
- in soft currency areas— Trinidad and Tobago currency or sterling.

Travelling
expenses.

42. Claims in respect of expenses incurred when travelling on official business shall be submitted on the appropriate form prepared by the Permanent Secretary in the Ministry of Finance.

LEAVE, PASSAGE GRANTS, ETC.

43. In this Part—

“school vacation” means any period prescribed as a vacation for public schools under the Act;

“leave” means occasional leave, special leave, sick leave or maternity leave.

Definitions.
[175/1976].

44. A teacher may during a school vacation be required to perform such duties of his office as the exigencies of the Teaching Service may require. Where a teacher is required to perform duties during the school vacation, he may be granted compensatory leave in compensation for the time during which he performed such duties.

Teacher may be recalled to duty during vacation.
[175/1976].

45. (1) A teacher is entitled to fourteen days occasional leave per year on full pay for the purpose of attending to urgent private affairs but not more than seven days may be taken on any one occasion.

Occasional leave from duty.

(2) The Supervisor may grant occasional leave for not more than two days. Such leave shall be entered in the Leave Book kept for that purpose.

(3) Application for more than two days’ occasional leave shall be made in writing to the Minister through the Principal and the Supervisor who may attach their comments to the applications.

46. (1) A teacher selected to participate in a sporting, educational or cultural event approved by Government may for this purpose, subject to the exigencies of the service, be granted special leave with full pay.

Special leave.
[175/1976].

(2) A teacher selected to represent Trinidad and Tobago in a sporting, educational or cultural event shall, subject to the exigencies of the service, be granted special leave with full pay to enable him to complete his engagement.

(3) Leave granted under this regulation shall not affect a teacher’s entitlement to any other leave.

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Sick leave.
[85/1968].

47. (1) Subject to subregulations (2) and (3), sick leave may be granted by the Minister to a teacher for a period not exceeding fourteen days annually and an application for sick leave shall be supported by a medical certificate signed by a registered medical practitioner.

(2) Where the period of absence from duty on account of illness does not exceed two days, a teacher shall not normally be required to tender a medical certificate.

(3) Where a teacher habitually avails himself of the concession provided for in subregulation (2), the Permanent Secretary may require that teacher to submit to a medical examination by a government medical officer.

(4) The Minister may grant extended sick leave after the expiration of sick leave granted under subregulation (1) on full or halfpay, as he may think fit, to teachers for such period as the Minister may approve if—

- (a) the application for sick leave is supported by the certificate of a Government Medical Officer or a Medical Board; or
- (b) where the applicant is outside Trinidad and Tobago, the application is supported by the certificate of a medical practitioner approved by an accredited diplomatic consular officer acting on behalf of the Government of Trinidad and Tobago.

(5) Notwithstanding anything contained in this regulation, a teacher who in the opinion of a Government Medical Officer is suffering from or exposed to a communicable disease shall not be permitted to resume duty until the medical officer certifies to the Minister that the teacher is free from the disease and is not likely to communicate the disease to any person with whom he may come into contact. Any period in excess of twenty-eight days during which a teacher is absent from duty for the reasons set out in this subregulation shall be treated as special sick leave.

(6) In this regulation—

“Government Medical Officer” means a medical practitioner registered under the Medical Board Act and employed on a full or part-time basis by the Government; Ch. 29:50.

“Medical Board” means a Board of medical practitioners registered under the Medical Board Act and appointed by the Minister to examine and report upon the physical or mental condition of teachers.

48. Three months’ maternity leave, the first month on full-pay and the succeeding two months on half-pay commencing approximately one month before the expected date of confinement shall be granted and must be taken by married female teachers who become pregnant. Maternity leave.

49. Applications for occasional leave for a period greater than two days or for sick leave shall be made on the prescribed form and shall be forwarded to the Minister through the Manager and the Supervisor who may make such comments thereon as they may consider necessary. Application for occasional or sick leave.

50. (1) In exceptional circumstances leave without pay for a period not exceeding one year may be granted to teachers by the Minister who may revoke the leave on discovery that it is being used for some purpose other than that for which it was granted. Leave without pay in exceptional circumstances. [85/1968]

(2) Leave granted under this regulation does not constitute a break in service nor in any way prejudice pension entitlement.

51. Any teacher who desires to leave the country during such leave as he may be granted or during a school vacation shall obtain the prior approval of the Minister. Permission to leave the country.

52. (1) A teacher who is required to undertake a course of study or attachment abroad shall be granted the cost of passage of his dependants if the Minister of Finance so determines on the merits of each case. Passage grants.

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(2) Whenever possible, a teacher to whom the cost of passage abroad has been granted under subregulation (1) shall be required to travel by “National Carrier”.

RESIGNATION

Notice of resignation.
*[116/1969].

53. (1) Subject to subregulation (2), a teacher may resign his office in the Teaching Service by giving to the Minister two months notice in writing terminating at the end of a second term.

(2) Where a teacher has completed at least two consecutive terms of service in the Teaching Service, he shall be deemed to have complied with subregulation (1), if he gives to the Minister two months notice in writing terminating at the end of the school vacation.

PART VII

QUARTERS

Quarters for teachers.

54. Quarters may be made available for rent to teachers in Government schools who reside in districts where there is difficulty in obtaining housing accommodation.

Rent.

55. (1) Teachers occupying Government quarters shall be required to pay rent at the rate of 10 per cent of salary.

(2) The rental of electrical appliances and equipment installed in quarters shall be at the rate of 10 per cent a year of their value and in the case of other heavy furniture at the rate of five per cent a year of their value.

Competent authority for allocating quarters.

56. The Permanent Secretary in the Ministry of Education and Culture shall be responsible for the allocation of quarters to teachers in Government schools.

Provision for teachers on transfer.

57. (1) In the case of teachers transferred in an acting capacity for a period not exceeding nine months from districts where they reside (either in their house or in rented houses) to districts where

*Came into force on 1st January 1969.

quarters are provided, the rent for use of the official quarters in the new district may be waived for the duration of the acting appointment provided that the teacher continues to pay rent for his former residence, or, where it is his own house, it is not rented whilst he is in occupation of Government quarters free of rent.

(2) In the case of a teacher who resides in Government quarters and is temporarily transferred to a new district where Government quarters are also provided, the teacher shall occupy the new quarters with his family and pay the appropriate rental. If with Government's permission the teacher's family continue to reside in the former quarters, he shall be required to pay the rent for both quarters, unless he can put forward strong and sufficient reasons for not removing his family and provided the quarters are not required for some other officer temporarily.

(3) A teacher who by reason of a transfer suffers hardship in respect of housing accommodation in that he is forced to maintain two separate establishments may be accorded rent free use of Government quarters if such quarters are available in the district to which he is transferred.

58. Teachers who occupy Government quarters whether in a permanent or acting capacity, shall be required to maintain at their own expense such quarters as well as the grounds and pathways leading thereto in a proper manner. Before vacating the quarters, teachers shall ensure that they are clean and fit for occupation.

Care of quarters.
[153/1970].

59. (1) During the period of his occupation of Government quarters, a teacher shall be responsible for—

Damage, etc.,
to quarters.

- (a) any damage done to such quarters;
- (b) any neglect of the grounds or the pathways leading to such quarters;
- (c) any breakage or loss of furniture and fixtures,

and shall make good any such damage, neglect or breakage to the satisfaction of the Permanent Secretary, Ministry of Works.

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(2) Where a teacher fails or refuses to make good any such damage, neglect or breakage to the satisfaction of the Permanent Secretary, Ministry of Works, an account of the charges for making good such damage, neglect or breakage shall be rendered to such teacher by the Permanent Secretary, Ministry of Works through the Permanent Secretary in the Ministry of Education, and the amount of such account shall be paid by such teacher to the Comptroller of Accounts, or failing such payment, shall on the order of the Minister, be deducted from the pay falling due to such teacher.

Telephones in Government quarters.

60. A teacher occupying Government quarters where an official telephone is installed shall keep a record of all official long-distance calls put through his telephone and certify and submit this record to the Ministry of Education at the end of each month, and shall be required to pay for all calls which are not on this list. If he does not send in his monthly record, he shall be charged with all calls.

Payment of dues of staff Association by salary deduction.

61. A teacher may authorise the Accounting Officer of the Ministry of Education and Culture to make monthly deductions from his salary of dues payable to the appropriate recognised association to which he belongs.

PART VIII

CODE OF CONDUCT

General conduct. [184/2000].

62. A teacher's conduct shall at all times be such as would not bring the Service into disrepute.

Duties of teacher. [184/2000].

63. (1) A teacher shall effectively and conscientiously discharge the duties of the office to which he is appointed, and any other related duties that are lawfully required of him.

(2) In the discharge of his duties, a teacher shall be courteous and polite to colleagues, students and members of the public.

(3) A teacher shall not wilfully refuse or deliberately omit to perform his duties.

64. (1) A teacher shall not be absent from duty without leave or reasonable excuse. Absence without leave. [184/2000].

- (2) When leaving the country a teacher shall inform—
- (a) the Permanent Secretary in writing prior to his departure;
 - (b) his Principal or School Supervisor, in cases of emergency, who shall report forthwith to the Permanent Secretary in writing.

65. (1) A teacher shall not, directly or indirectly, be involved in any financial or other interest or undertaking which could conflict with, compromise or reasonably be said to conflict with or compromise his job performance or office. Activities outside the Service. [184/2000].

(2) Where such actual or potential conflict or compromise arises, the teacher shall inform the Permanent Secretary through the Principal or School Supervisor.

(3) The Permanent Secretary shall determine the nature and degree of conflict or compromise, decide upon an appropriate course of action to resolve it and advise the teacher accordingly.

(4) A teacher who is aggrieved by a decision of the Permanent Secretary, may appeal to the Chief Personnel Officer through the Permanent Secretary.

(5) Where a teacher is aggrieved by the decision of the Chief Personnel Officer, the matter may be pursued on his behalf by the appropriate recognised association as a grievance to be dealt with under sections 63 to 71 of the Education Act. Ch. 39:01.

66. (1) A teacher shall not make any unauthorised disclosure or make copies for private use, of official documents, papers or information of which he may have become aware in the course of the performance of his duties. Teacher not to publish information. [184/2000].

(2) An unauthorised disclosure shall not include the reporting by a teacher of complaints to the Chief Personnel Officer, the Auditor General or the Teaching Service Commission, with regard to the conduct of the Service, where such complaints have been reported to senior officers without redress.

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Education

[Subsidiary]

Education (Teaching Service) Regulations

Teacher's
comment on
questions of
public policy.
[184/2000].

67. (1) A teacher shall not respond to questions of public policy in a manner that may be reasonably construed as criticism and which may call into question his ability to impartially implement, administer or advise on Government policy.

(2) Subregulation (1) shall not apply to a teacher acting in his capacity as a representative of an appropriate recognised association.

Lectures, talks.
[184/2000].

68. (1) Where a teacher prepares or delivers a lecture or a talk in connection with his duties, he shall receive no remuneration or benefit either on his own behalf or on behalf of the Agency for the preparation or delivery of that lecture or talk.

(2) Lectures or talks which are not necessary for the Agency's purposes may be prepared or given outside of working hours by teachers who are knowledgeable in a particular subject, whether or not they have specialised in the subject in their official capacity.

(3) Where the subject matter of the lecture or talk referred to in subregulation (2) is related to the work or the policy of the Agency, or if that teacher's title is to be announced, the prior authority of the Permanent Secretary is required to ensure that—

- (a) there is nothing in the lecture or talk contrary to the public interest or inconsistent with the status of the teacher; and
- (b) the standing of the teacher is sufficient to justify the delivery of the lecture or talk under his title.

(4) Where, in respect of a lecture or talk given by a teacher under subregulations (2) and (3), the work involved in the preparation and delivery of the lecture or talk is done outside of working hours, the teacher may make private arrangements for remuneration, subject to the due observance of any professional rule that may be in force.

Indebtedness.
[184/2000].

69. A teacher shall not incur indebtedness to the extent that it compromises his job performance or brings the Service into disrepute.

70. A teacher against whom bankruptcy proceedings have been taken or who becomes insolvent or who has been declared bankrupt, shall within seven days report that fact to the Permanent Secretary.

Bankruptcy proceedings. [184/2000].

71. A teacher shall not solicit the intervention or influence of Members of Parliament, Ministers of Government, members of a Commission, or prominent members of the community to support or advance his claim for specially favourable treatment in the Service.

Teacher not to solicit intervention. [184/2000].

72. Except with the permission of the Permanent Secretary, a teacher shall not accept any gift or reward from any member of the public or from any organisation for services rendered in the course of performing official duties.

Gifts, rewards. [184/2000].

73. Notwithstanding regulation 72, a teacher may accept a present offered—

Exceptions. [184/2000].

- (a) by a representative of a foreign government on the occasion of an official visit to that country;
- (b) by a community organisation on a social occasion where the gift represents the work or achievement of that organisation; or
- (c) on his marriage, retirement, transfer or other social or celebratory occasion.

74. (1) A teacher shall not, directly or indirectly, solicit or accept any property, benefit or favour of any kind for himself or any other person in consideration for the performance of his duties or on the understanding that the performance of his duties is influenced in any manner.

Teacher not to solicit or accept bribe. [184/2000].

(2) A teacher who is offered a bribe shall immediately inform his Principal in writing and the Principal so informed shall notify the Permanent Secretary who shall make a report to the Police.

75. A teacher who desires to initiate legal proceedings against another teacher or against a member of the public with respect to any matter which arose out of, or in the course of the execution of his duty, shall inform the Permanent Secretary.

Legal proceedings. [184/2000].

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[Subsidiary]

Education (Teaching Service) Regulations

Teacher to report criminal charge. [184/2000].

76. A teacher who is charged with a criminal offence carrying a penalty of imprisonment shall report the matter without delay to the Permanent Secretary.

Definition of misconduct. [184/2000].

77. (1) A teacher who without reasonable excuse does an act which—

- (a) amounts to failure to perform any required lawful duty in a proper manner;
- (b) contravenes any of the Regulations;
- (c) contravenes any law relating to the performance of the duties of his office;
- (d) is otherwise prejudicial to the efficient conduct of the Service or tends to bring the Service into disrepute,

commits an act of misconduct.

(2) Without prejudice to the generality of subregulation (1), a teacher who—

- (a) is absent from office or official duties without leave or valid excuse, or is habitually irregular in the time of arrival or departure from the place of employment;
- (b) wilfully disobeys or disregards any lawful order made or given by any person having authority to make or give such order;
- (c) is unfit for duty through drunkenness or the illicit use of drugs;
- (d) is inefficient or incompetent through causes which are within his control;
- (e) commits any immoral, obscene or disorderly conduct in office;
- (f) performs the required duties in a negligent manner;
- (g) exercises authority unreasonably, or abuses that authority in the course of performing required duties;

- (h) uses, without the authority of the Principal or in his absence the Vice-Principal, any property or facilities provided for the purposes of the Service, for a purpose not connected with his official duties;
- (i) has a criminal charge proved against him; or
- (j) participates in the meetings of any political organisation while on duty or while on official business,

commits an act of misconduct.

[Subsidiary]

153/1970.

**EDUCATION (ASSISTED SECONDARY SCHOOL
TEACHERS MATERNITY LEAVE) REGULATIONS**

made under section 84(11)

Citation.

1. These Regulations may be cited as the Education (Assisted Secondary School Teachers Maternity Leave) Regulations.

Definition.

2. In these Regulations, “maternity leave” means leave not exceeding three months, the first month on full pay and the succeeding two months on half-pay commencing approximately one month before the expected date of confinement.

Maternity
leave during
period 27th
August, 1966
and 14th
August, 1967.

3. It is hereby declared that any married female teacher in an Assisted Secondary School who was granted leave during the period 27th August, 1966 to 14th August, 1967 for the purposes of confinement was eligible to be granted maternity leave and any leave so granted to any such teacher during that period shall be deemed to be maternity leave.

**TEACHING SERVICE REGISTRATION RECOGNITION
AND CERTIFICATION BOARD RULES**

ARRANGEMENT OF RULES

RULE

1. Citation.
2. Interpretation.
3. Meetings of the Board.
4. General authority to officers of the Board to act.
5. Documents to be in triplicate.
6. Time of filing documents.
7. Enlarging time.
8. Adjournment of matters.
9. Amendment by leave of the Board.
10. Disposal of matters.
11. Consolidation of proceedings.
12. Service.
13. Directions for hearing.
14. Conduct of hearing.
15. Secrecy as to association membership.
16. Saving.
17. Notice to and reply by employer.
18. Notice of application to be published.
19. Meeting to clarify or to settle matters regarding applications.
20. Notification of bargaining unit.
21. Insufficiency of records, etc.

BALLOTING

22. Preferential ballot.
23. Notice of ballot.
24. Conduct of ballot.
25. Voting.
26. Challenge of voters.
27. Submission of result of ballot.

SCHEDULE.

74/1981.

**TEACHING SERVICE REGISTRATION RECOGNITION
AND CERTIFICATION BOARD RULES**

made under section 75

Citation.

1. These Rules may be cited as the Teaching Service Registration Recognition and Certification Board Rules.

Interpretation.

2. In these Rules—

“Chairman” means the Chairman of the Board or any person designated or elected to act as chairman;

“proceeding” means a proceeding before the Board;

“Secretary” means the Secretary of the Board or any person acting as secretary.

Meetings of the Board.

3. (1) Not less than twenty-four hours notice of every Board meeting shall be given by the Secretary to each member and alternate member.

(2) A member who is unable to attend any meeting summoned shall so inform his alternate and the Chairman or the Secretary.

General authority to officers of the Board to act.

4. (1) Where the Board is empowered or required to issue any notice or to make a request or to do any matter or thing, the notice, request, matter or thing shall be deemed to be properly issued, made or done, as the case may be, if so issued, made or done by the Secretary or by any other officer duly authorised for the purpose by the Board.

(2) The Secretary or any other officers of the Board may be authorised by the Board or the Chairman to carry out such functions with respect to the execution or implementation of the decisions or orders of the Board as may be necessary including in particular the inspection and examination of paylists and membership records, the posting of notices, the conduct of ballots, the convening and conducting of meetings with parties in connection with any application or other matter coming before the Board.

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[Subsidiary]

- 5.** Except otherwise expressly provided, where under any written law any document is required to be presented to the Board, such document shall be presented in triplicate. Documents to be in triplicate.
- 6.** Where a document is required to be filed with the Board, it shall be so filed at the time it is received at the office of the Board. Time of filing documents.
- 7.** The Board may, upon such terms as it thinks fit enlarge the time prescribed by these Rules for doing any act, serving any notice, filing any report, document or paper or taking any proceeding and may do so although application therefor is not made until after the expiration of the time prescribed. Enlarging time.
- 8.** The Board may adjourn any hearing to such time and place and upon such terms as it considers fit. Adjournment of matters.
- 9.** Any document filed in a proceeding may be amended by leave of the Board upon such terms and conditions as the Board may decide. Amendment by leave of the Board.
- 10.** (1) The Board may determine or dispose of any proceeding without further notice to any party thereto who has failed to file any document required in such proceeding in the manner or form specified in these Rules. Disposal of matters.
- (2) Where a party is served with a notice of hearing by the Secretary and fails to attend or be represented at the hearing (whether or not such party has made any written representations) the Board may proceed to consider the application or matter in the absence of that party or may adjourn the hearing to another date.
- 11.** Where the Board considers it appropriate, it may direct that a proceeding be consolidated with any other proceeding and it may issue such directions in respect of the conduct of the consolidated proceedings as it considers fit. Consolidation of proceedings.
- 12.** The Secretary shall serve a copy of each document filed by a party in a proceeding on each of the other parties in the same proceeding. Service.

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Teaching Service Registration Recognition and Certification Board Rules

Directions for hearing.

13. (1) Where the Board decides to conduct a hearing in connection with an application or any other matter before it, the Secretary shall summon the parties to attend to receive directions in accordance with this rule as may be necessary or appropriate.

(2) The Board shall determine the periods that are necessary for the fair and adequate presentation of the matter by the respective parties thereto, and the Board may require those matters to be presented within the respective periods so determined.

(3) The Board may require evidence or arguments to be presented in writing and may decide the matters upon which it will hear oral evidence or arguments.

(4) Any written submission or statement required from any party shall contain a concise statement of the material facts upon which the party proposes to rely at the hearing.

Conduct of hearing.

14. (1) Where a hearing in connection with an application or any other matter is conducted by the Board the decision of the Board on the matters considered at the hearing shall be communicated to the parties concerned.

(2) Any person entitled to appear at a hearing is entitled to make opening statements, to call witnesses, to cross-examine any witnesses called by any other party and to address and make submissions to the Board.

Secrecy as to association membership.

15. The records of an association relating to its membership and any records that may disclose whether a person is or is not a member of an association which are produced in a proceeding shall be for the exclusive use of the Board and its officers and shall not, except with the consent of the Board, be disclosed to any person.

Saving.

16. No proceeding shall be invalidated by reason only of any defect in form or of any technical irregularity.

Notice to and reply by employer. Form A. Schedule.

17. On the receipt of an application for certification of recognition from an association, the Board shall serve the employer a notice in the form set out as Form A in the Schedule and the

employer shall, not later than seven days from the date of the service, submit to the Board a reply to the notice in the form set out as Form B in the Schedule.

Schedule.
Form B.

18. (1) Notice of every application made to the Board for certification of recognition shall be published in the *Gazette* in such a manner as it may be seen by the persons who may be comprised in the bargaining unit to which the application relates. Every such notice shall contain the name and address of the claimant association and the employer, a brief description of the bargaining unit in respect of which certification is sought and the date on which the application was received by the Board.

Notice of
application to
be published.

(2) Where an application for certification of recognition is in respect of a bargaining unit for which another association is already recognised, the Board shall inform the recognised association of the receipt of the application.

19. On the receipt of the reply or submission of the employer, or where the employer makes no reply or submission within the time specified in these Rules an officer of the Board duly authorised in this regard may meet any of the parties concerned for the purpose of clarifying and examining information submitted in connection with the application, or any matter arising therefrom or in any reply, document or records that may be required to be produced, and the officer shall make a report to the Board of his findings.

Meeting to
clarify or to
settle matters
regarding
applications.

20. In respect of each application for certification of recognition, the Board shall, after determining the bargaining unit which it considers appropriate, notify the employer, the claimant association and where applicable the appropriate recognised association accordingly.

Notification of
bargaining unit.

21. (1) Where the records and other documents produced by an employer are inadequate to enable the Board to determine the persons employed by the employer, the Board may require further information to be produced and may take into consideration such relevant facts and information as it may otherwise obtain to

Insufficiency of
records, etc.

enable it to determine the persons employed by the employer at the relevant date.

(2) Where the records, documents or other information produced by an association are in the opinion of the Board inadequate to establish that the requirements set out at section 74D(3)(a) to (c) of the Act have been satisfied, the Board may require further information to be produced and in the absence of such further information may refuse the application.

BALLOTING

Preferential ballot.

22. The Secretary shall be responsible for the conduct of any ballot and shall report thereon to the Board and, subject to the directions of the Board, may deal with all matters relating to the conduct of the ballot including any matter not specifically dealt with in these Rules.

Notice of ballot.

23. (1) A notice of every ballot to be taken under section 74D of the Act shall be issued by the Board to each of the parties involved, in such form as the Board may approve, so however, that every such notice shall include, as may be required in the circumstances, the following information:

- (a) the purpose for which the ballot is being conducted;
- (b) a list, approved by the Board, of persons qualified to take part in the ballot;
- (c) the date and time when and the place where application for the insertion in or removal from the list of any names will be heard;
- (d) the date and time when and the place where the ballot will be conducted;
- (e) the means of identification to be produced by persons seeking to take part in the ballot to the officer of the Board supervising the ballot.

(2) The employer shall publish copies of the notice of the ballot either—

- (a) by posting them conspicuously in places designated by the Board where they are most

likely to come to the attention of persons comprising the bargaining unit and qualified to take part in the ballot; or

(b) in some other manner specified by the Board.

(3) Notices referred to in this rule shall be posted for at least ten clear days before the date fixed for the conduct of the ballot.

(4) The Secretary or other officer duly authorised by the Board shall attend at the place designated in the notice to receive applications by the employer or any association involved in the ballot for the insertion in or the removal from the approved list of the name of any person. Every application for the removal or insertion of a name shall be investigated by the Secretary or other authorised officer who may allow or disallow the application, notify the applicant and, where necessary, amend the list accordingly.

(5) Any person aggrieved by the decision of the Secretary or other authorised officer may within forty-eight hours appeal in writing to the Board against the decision.

(6) Where the Board allows an appeal the approved list shall be amended accordingly.

24. (1) All ballots shall be secret and shall be in such form as the Board may approve. Conduct of ballot.

(2) The officer supervising the ballot hereinafter referred to as “the supervising officer” shall take whatever steps appear to him to be necessary and proper to ensure—

(a) that only persons whose names appear on the final list approved by the Board are permitted to take part in the ballot; and to that end may require the production of identification cards or such other documents as he may consider sufficient evidence of identification;

(b) that persons qualified to take part in a ballot are permitted to register their votes in secrecy and without interference, restraint or coercion;

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(c) that a person having cast his vote is not permitted to vote on a second occasion at the same ballot.

(3) The ballot shall be conducted as specified in the notice issued by the Board under rule 23 and in such a manner so as to cause no unnecessary inconvenience to the persons qualified to take part in the ballot.

(4) Save as the Board may in any particular case otherwise direct, all persons qualified to take part in a ballot shall do so in person.

(5) The Board may permit agents nominated in advance by the employer or by any association involved in the ballot to be present and to perform the functions set out in paragraph (6). Any agent so nominated shall be an officer or employee of the employer, or an official or member of an association involved.

(6) An agent so nominated shall be permitted to do any of the following acts or things, and nothing else in connection with the ballot:

- (a) act as checker at the polling place and at the counting of ballots;
- (b) assist in the identification of voters;
- (c) subject to rule 27, challenge the right of any person to vote;
- (d) bring to the notice of the officer of the Board conducting the ballot any irregularities in the conduct of the ballot.

Voting.

25. A person qualified to take part in the ballot shall comply with such procedures as may be set out in any notice issued by the Board, copies of which shall be posted at each place appointed for polling.

Challenge of voters.

26. (1) An agent is entitled to challenge any person who he has reasonable cause to believe is not qualified to take part in the ballot by stating to the supervising officer at the time that the ballot paper is handed to such person and before the person casts his vote the grounds on which the challenge is made.

(2) The supervising officer shall thereupon hand the challenger the form of challenge approved by the Board and shall request the challenger to complete and sign the form.

(3) If the challenger fails to complete and sign the form the supervising officer shall ignore the challenge and direct that the voter cast his vote in the manner prescribed.

(4) Where the challenger completes and signs the form, the supervising officer shall direct the person to cast his vote and thereupon the officer shall place in a separate envelope labelled "Challenged Vote" together with the completed form of challenge. The envelope shall in each case be sealed.

(5) The Board shall decide on the validity of any votes which have been duly challenged.

27. At the close of the voting, the votes shall, at each place appointed for polling, be counted by the supervising officer in the presence of the agent or agents, if any, and the result of the ballot shall be submitted to the Board as soon as reasonably possible thereafter.

Submission of
result of ballot.

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SCHEDULE

TEACHING SERVICE REGISTRATION RECOGNITION AND CERTIFICATION BOARD RULES

(Rule 17).

FORM A

NOTICE OF APPLICATION FOR CERTIFICATION OF RECOGNITION

Name and Address of Claimant Association

.....

Name and Address of Employer

.....

To:

TAKE NOTICE that on 20..... the Claimant Association made an application to the Registration Recognition and Certification Board for certification as the appropriate recognised association in respect of persons comprised in the bargaining unit described in the application, a copy of which is attached.

2. You are requested to submit a Statement to the Board in the Form prescribed as Form B in the Schedule to the Rules so that your Statement is received by the Board not later than seven (7) days from the date of service of this Notice on you.

Dated this day of 20.....

..... Secretary, Registration Recognition and Certification Board

FORM B

REPLY TO APPLICATION FOR CERTIFICATION OF RECOGNITION

Name and Address of Claimant Association

.....

Name and Address of Employer

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The Employer states as follows in respect of the Application:

1. (a) Correct Name of Employer
-
- (b) Address of Employer
-
- (c) Address of Employer for Service
-
2. General nature of the Employer’s business
-
3. Total number of persons employed as members of the Teaching Service of which the bargaining unit proposed by the Claimant Association is a part
-
4. Number of persons comprised in the proposed bargaining unit described by the Claimant Association
-
5. Detailed description of what the Employer considers to be the appropriate bargaining unit that should be established in pursuance of this application
-
6. Number of persons comprised in the bargaining unit proposed by the Employer at (5) above
-
7. The Name and Address of any other Association known to the Employer as claiming to be the bargaining unit to represent members of the Teaching Service that may be covered by this application
-
8. The Employer is, or was, a party to, or bound by an Agreement, a copy of which is enclosed, and which:
 - (a) was signed on the day of 20.....
 - (b) became effective on the day of 20.....
 - (c) contains the following provisions relating to its termination or renewal
 -

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9. Other relevant statements (Use additional pages if necessary)

.....
.....
.....
.....
.....

Dated at this day of 20.....

.....

**Signature of/for the Employer*

*State position held by signatory.

**TEACHING SERVICE (CERTIFICATION OF
RECOGNITION) REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
3. Application for certification to be made to Board.
4. Requirements for ballot.
5. Certain acts prohibited in or near premises where ballot conducted.
6. Bribery.
7. Treating.
8. Board to issue certificate to recognised majority association.
9. Record of certification.
10. Revocation.
11. Defacement of notices prohibited.
12. Offences and penalties.

SCHEDULE.

[Subsidiary]

77/1981.

**TEACHING SERVICE (CERTIFICATION OF
RECOGNITION) REGULATIONS**

made under section 84(11)

Citation.

1. These Regulations may be cited as the Teaching Service (Certification of Recognition) Regulations.

Interpretation.

2. In these Regulations “ballot” means a ballot conducted under Part II of the Act.

Application for certification to be made to Board. Form 1. Schedule.

3. Every association desiring to obtain certification of recognition in respect of a bargaining unit shall make application to the Board in the form set out as Form 1 in the Schedule.

Requirements for ballot.

4. (1) An employer of persons in respect of whom certification of recognition is being applied for by an association shall, in every case where a ballot in connection therewith is to be conducted, provide adequate accommodation on premises under his control for the conduct of the ballot.

(2) On the day or days on which the ballot is conducted, the employer shall permit every person eligible to take part in the ballot to be absent from work during the conduct of the ballot for one hour or such longer period as the Board may specify. The period of absence permitted for the ballot shall be in addition to the normal mid-day meal period.

(3) An employer shall make no deduction from the pay of any person or impose any other penalty on him in respect of any period for which the person is permitted to be absent from work during the conduct of the ballot.

(4) No person who—

(a) is an officer in the Personnel Department or is responsible for the management of the Personnel Department;

(b) is an officer in the Ministry of Education, other than an officer who is eligible to vote; or

(c) holds office in an association,

shall, unless he is nominated by the employer or the association to be an official agent as approved by the Board under its Rules, be

within the immediate vicinity of the place where any balloting is being conducted.

- 5.** (1) During the hours that a ballot is being conducted—
- (a) no person shall, on any premises on which the ballot is being conducted, or upon any road or in any place within one hundred yards of the premises, seek by any means whatever to influence a person to vote or to refrain from voting for an association;
- (b) no person, other than those waiting to vote or persons authorised or permitted by the Rules of the Board or these Regulations to be present at the conduct of the ballot, shall assemble or congregate on any premises in which a ballot is being conducted or within one hundred yards of the premises.

Certain acts prohibited in or near premises where ballot conducted.

(2) No person shall seek to ascertain how any individual intends to vote or has voted.

(3) Any person who contravenes paragraph (1) or (2) is guilty of an offence.

6. (1) A person is guilty of an offence who directly or indirectly, by himself or by any other person on his behalf—

Bribery.

- (a) gives any money or procures any office to or for any person or to or for any other person on behalf of any person or to or for any other person in order to induce any person to vote or refrain from voting or to reward any person for having voted or for having refrained from voting;
- (b) makes any gift or procurement within the meaning of subparagraph (a) to or for any person in order to induce that person to procure, or endeavour to procure, the selection of any association or the vote of any person in respect of any matter for which the ballot is being conducted or if upon or in consequence of any such gift or procurement, he procures or engages,

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promises or endeavours to procure, the selection of any association making the claim as aforesaid or the vote of any person.

(2) A person is guilty of an offence who before or during the conduct of a ballot directly or indirectly by himself or by any other person on his behalf, receives, agrees to receive or contracts for any money, gift, loan or valuable consideration, office, place of employment for himself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting.

(3) A person is guilty of an offence, who, after the conduct of a ballot directly or indirectly by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.

(4) A person guilty of an offence against this regulation is liable on summary conviction to a fine of two hundred and fifty dollars but this penalty shall be without prejudice to any other penalty imposed under any other law.

Treating.

7. A person is guilty of an offence who corruptly by himself or any other person on his behalf, either before, during or after the conduct of a ballot, directly or indirectly gives or provides or pays wholly or in part the expenses of giving or providing any food, drink, entertainment or provision to or for any person—

- (a) for the purpose of corruptly influencing that person or any other person to vote or refrain from voting at the conduct of the ballot; or
- (b) on account of that person or any other person having voted or refrained from voting.

Board to issue certificate to recognised majority association.

Form 2
Schedule.

8. Where the Board determines an application for certification of recognition and is satisfied that the applicant association should be certified as the appropriate recognised majority association it shall issue to that association a certificate in the Form set out as Form 2 in the Schedule.

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9. The record of certification required to be kept by the Board under section 74K of the Act shall be in the form set out as Form 3 in the Schedule.

Record of certification.
Form 3
Schedule.

10. (1) Upon an association being certified by the Board as the appropriate recognised association thereby replacing another association that immediately before the certification was the recognised association, the Board shall revoke the certification of the previously recognised association and cause appropriate amendments to be made in the record of certification referred to in regulation 9.

Revocation.

(2) Every revocation shall be published in the *Gazette* and where the association whose certification has been revoked is a party to a subsisting agreement the Board shall immediately inform the Minister of Finance of the revocation.

11. Any person who alters, defaces or removes any notice posted by the Board in accordance with its Rules is guilty of an offence.

Defacement of notices prohibited.

12. A person who contravenes these Regulations is guilty of an offence and, save in the case of an offence against regulation 6, is liable on summary conviction to a fine of two hundred and fifty dollars and in the case of a continuing offence to a further fine of twenty-five dollars for each day the offence continues.

Offences and penalties.

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SCHEDULE

FORM 1

(Regulation 3).

TEACHING SERVICE (CERTIFICATION OF RECOGNITION) REGULATIONS

APPLICATION FOR CERTIFICATION OF RECOGNITION

- 1. Name of Claimant Association
- Registered or Business Address
- 2. Name of Employer
- Address
-
- 3. Description of the bargaining unit for which certification is sought
-
-
-
-
-
-
- 4. Approximate number of persons comprised in the bargaining unit for which the Claimant Association seeks certification
-
- 5. Approximate total number of persons employed as members of the Teaching Service of which the proposed bargaining unit forms part
-
-
- 6. Give the name of any other Association representing or claiming to represent a bargaining unit
-

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7. (a) Is there any existing or recently expired Agreement pertaining to any bargaining unit covered by this application?

.....

(b) If known, give date of termination of Agreement

.....

8. Other relevant statements (Attach pages if necessary)

.....

The Claimant Association, claiming that it has as members in good standing, within the meaning of the Act, more than fifty per cent (50%) of the members comprised in the bargaining unit hereinbefore described, hereby makes application, pursuant to section 74B of the Act, to be certified by the Registration Recognition and Certification Board as the appropriate recognised Association in respect of persons in the said bargaining unit for the purpose of consultation and negotiation in respect of any of the matters specified in section 62(1) of the Act and any other matters concerning the members of the Teaching Service.

Made and signed on behalf of the Claimant Association this day of 20.....

Signature

Office held

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(Regulation 8).

FORM 2

TEACHING SERVICE (CERTIFICATION OF RECOGNITION) REGULATIONS

CERTIFICATE ISSUED TO APPROPRIATE RECOGNISED MAJORITY ASSOCIATION

Issued this day of 20..... by virtue of and pursuant to the authority vested in it by section 74H of the Act, the Registration Recognition and Certification Board hereby certifies

(Name of Association)

as the appropriate recognised majority Association in respect of employed by

(Name of Employer)

and comprised in a bargaining unit as hereunder described:

.....
.....
.....
.....
.....

The number of persons in the bargaining unit aforesaid as at the relevant date, that is to say the day of 20..... was

The Certificate is effective from the day of 20.....

.....
Chairman

.....
Secretary

(Regulation 9).

FORM 3

TEACHING SERVICE (CERTIFICATION OF RECOGNITION) REGULATIONS — RECORD OF CERTIFICATION

Certificate Number	File Number	Date of Application	PARTIES		Description of appropriate bargaining unit as determined by the Board	Number of persons in determined bargaining unit and relevant date	Date of Certification as Appropriate Recognised Association and relevant date	Variation of bargaining unit	Date of variation of bargaining unit	Remarks
			Claimant Association	Employer						

EDUCATION (LOCAL SCHOOL BOARD) REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

PART I

PRELIMINARY

1. Citation.
2. Interpretation.

PART II

COMPOSITION AND PROCEDURES OF BOARD

3. Composition of Board and qualification of member.
4. Term of Board.
5. Appointment and termination of appointment.
6. Appointment of member where vacancy in Board.
7. Procedure of Board.
8. Annual general meetings.
9. Ordinary meetings.
10. Extraordinary meetings.
11. Emergency meeting.
12. Quorum.
13. Voting.
14. Declaration of interest.
15. Variation of decision.
16. Minutes and correspondence.
17. Board to notify Permanent Secretary.

PART III

DUTIES AND POWERS OF THE BOARD

18. Role of the Board.
-

EDUCATION (LOCAL SCHOOL BOARD) REGULATIONS 112/2001.

made under section 86

PART I

PRELIMINARY

1. These Regulations may be cited as the Education (Local School Board) Regulations. Citation.

2. In these Regulations, unless the context otherwise requires— Interpretation.

“Act” means the Education Act; Ch. 39:01.

“Government School” means a school within the meaning of section 11(4) of the Act;

“Board” means a Local School Board established for a government school under section 23 of the Act;

“member” means member of the Board as specified in an Order;

“Order” means the Order made under section 23 of the Act;

“Principal” means the person who performs the functions of the Principal as prescribed in section 27 of the Act in relation to the school for which the Board is established.

PART II

COMPOSITION AND PROCEDURES OF BOARD

3. (1) A Board constituted by Order made under section 23 of the Act shall comprise— Composition of Board and qualification of member.

- (a) the Principal who is an *ex officio* member; and
- (b) no more than nine other members drawn from among the following groups, namely:
 - (i) a member of the school staff other than the Principal;
 - (ii) a member of the union most representative of teachers nominated by the union;
 - (iii) two members of the majority Parent-Teacher Organisation of the school, nominated by the members of the Organisation, at least one of whom must be a female;

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- (iv) a representative of the Past Pupils Association, if any, of the school nominated by that association;
- (v) a member of the student body;
- (vi) three persons nominated by the Minister as he deems necessary after consultation with the relevant interest groups and stakeholders within the Community in which the school is located.

(2) The Board shall appoint from its membership, persons, other than the Principal, staff or student representative to be the Chairman and the Vice-Chairman.

Term of Board.

4. The term of a Board shall be no more than two years.

Appointment and termination of appointment.

5. (1) Where a member is, by reason of illness or otherwise unable to perform his function as a member of the Board, the Minister may by Order, appoint another person to act as a temporary member during the period of absence not exceeding six months.

(2) Where the period of absence exceeds six months a vacancy in accordance with regulation 6 shall arise.

(3) The Minister may revoke the appointment of a member, other than the Principal, where—

- (a) he is absent without leave from the Chairman for three consecutive meetings of the Board;
- (b) he is adjudicated to be bankrupt;
- (c) he is convicted of a criminal offence; or
- (d) he is mentally or physically challenged rendering him unable to perform his functions as a member.

(4) The Minister on the advice of a majority of the members of the Board may revoke the appointment of a member.

(5) A member may resign at any time after providing one month's notice by instrument in writing submitted to the Minister.

Appointment of member where vacancy in Board.

6. Where a vacancy arises in the membership of the Board the Minister after consultation with the relevant interest groups

and stakeholders, may appoint a person to be a member to fill that vacancy for the unexpired portion of the term of the Board.

7. Subject to these Regulations, a Board may regulate its own procedure for the conduct of its business. Procedure of Board.

8. The Chairman shall, within twenty-one days after the start of each year of office, hold an annual general meeting to— Annual general meetings.

(a) review the Board’s performance in the preceding year; and;

(b) discuss its plans, goals and targets for the current financial year.

9. (1) A Board shall have its first meeting within fourteen days of the appointment of its members. Ordinary meetings.

(2) A Board shall meet on fixed dates and in any event not less than once a month.

(3) The Chairman, or in his absence, the Vice-Chairman shall preside over meetings of the Board.

10. (1) The Chairman shall cause to be issued notices to all members for an extraordinary meeting of the Board, within seven days of receiving a request, in writing, signed by no fewer than six members of the Board to do so. Extraordinary meetings.

(2) A request for an extraordinary meeting shall include specific indication of the purpose of the meeting.

11. (1) The Chairman on giving twenty-four hours written notice to all members, may call an emergency meeting. Emergency meeting.

(2) The notice referred to in subregulation (1), shall indicate the nature of the emergency to be discussed.

12. (1) At any meeting of the Board, a quorum is constituted of five members who are present. Quorum.

(2) Unless for good cause, the Principal shall attend all meetings of the Board.

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(3) If a quorum is not constituted within thirty minutes of the appointed time for a meeting, the Chairman shall adjourn the meeting to a fixed date.

(4) If three consecutive meetings, which were agreed upon by the Board are not held the Minister may revoke the Board.

Voting.

13. (1) The decision of the Board is by a majority of votes of the members present and voting by secret ballot.

(2) The Chairman, or other person duly presiding, has an original vote and, if the vote is equal, a casting vote.

Declaration of interest.

14. (1) A member of a Board who is in any way, whether directly or indirectly, interested in a contract under consideration by the Board, shall at the first practicable opportunity declare his interest and remove himself from any decision-making process with respect to such contract.

(2) A declaration referred to in subsection (1) shall be recorded in the minutes.

(3) Where a member does not declare his interest, the Minister shall revoke his appointment.

Variation of decision.

15. A decision of the Board may be rescinded or varied by the Board at a meeting subsequent to that at which the original decision was ratified and recorded in the minutes.

Minutes and correspondence.

16. (1) The Board shall appoint, from outside its membership, a recording secretary who shall be paid a stipend to be approved by the Permanent Secretary of the Ministry.

(2) The recording secretary shall keep minutes of each meeting in proper form and shall lodge them in the Principal's office together with all the correspondence of the Board.

(3) All decisions, resolutions and rules made by the Board with respect to the operations of the school shall be recorded in the minutes.

Board to notify Permanent Secretary.

17. The Board shall send copies of the minutes, reports, budget requests and project proposals to the Permanent Secretary of the Ministry.

PART III

DUTIES AND POWERS OF THE BOARD

18. (1) The Board shall have the duties and powers, including Role of the Board. but not limited to those listed hereunder, to manage the school—

- (a) in the development of a strategic plan for the school plant;
- (b) in the conduct of an operational and environmental audit of the activities of the school;
- (c) in the development and implementation of school improvement plans;
- (d) by receiving information, complaints and expressions of concern and hope from the public concerning the school and its members, and to make recommendations as they see fit and relay them to the competent authority;
- (e) by encouraging, promoting, sustaining and fostering mutual understanding, good fellowship and co-operation among the Minister, staff, parent, pupils and other persons associated with the school;
- (f) by requesting the assistance of local government bodies and other agencies and departments to assist in the maintenance of the school;
- (g) by liaising with all relevant agencies in order to ensure that the school is adequately served with water and electricity and sanitation services;
- (h) by liaising with members of the community particularly those in the vicinity of the school;
- (i) by mobilising community support for the school;
- (j) by strengthening community relations with specific bodies and individuals in the community;
- (k) by making recommendations for the better performance of the school in the assessment of school plant;

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- (l) in preparing short, medium and long-term plans for capital improvement and the upgrading of plant and equipment;
- (m) in the development and implementation of a maintenance programme for the plant and equipment of the school;
- (n) in the development and implementation of plans to improve the security of the school;
- (o) by promoting fund-raising activities on behalf of the school and controlling the expenditure of funds so raised;
- (p) by making recommendations for the better performance of the school to the Minister through the Permanent Secretary;
- (q) by liaising with a past pupil association of the school; and
- (r) in taking such action which may redound to the benefit of the school.

(2) The Board may make Rules for and in relation to the matters specified in subregulation (1).
