

## CHAPTER 14. No. 1.

## EDUCATION.

## AN ORDINANCE RELATING TO EDUCATION.

[1st January, 1935.]

Ordinances  
 No. 28—1933.  
 „ 7—1936.  
 „ 2—1938.  
 Commencement.

Short title.

1. This Ordinance may be cited as the Education Ordinance.

Interpreta-  
tion.

2. In this Ordinance—

“ Assisted school ” means a school to which a grant is made from public funds in a manner provided by this Ordinance;

“ Board ” means the Education Board established in accordance with the provisions of section 6;

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

“ Department ” means the Department of Education;

“ Director ” means the Director of Education;

“ Government school ” means a school maintained by the Government wholly from public funds;

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

“ Intermediate school ” means a school, recognized by the Director as providing a curriculum more advanced than that prescribed for Primary schools;

“ manager ” means in the case of a Government school a person appointed by the Governor, and in the case of other schools by the Head or Governing Body of a religious denomination or association, to have charge thereof;

“ Primary school ” means a school recognized by the Director as providing a curriculum prescribed for Primary schools;

amended by  
 10/48 (2)

28/1945 47/47  
 10/48.  
 17/49  
 27/49

“Secondary school” means a school recognized by the Director as providing post-primary instruction in academic, technical, industrial, or commercial subjects;

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

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

## PART I.

### THE DEPARTMENT OF EDUCATION.

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

Department  
of Education.

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

Duties of  
Director.

#### (a) *Primary Education*—

(i) the establishment, maintenance, and discontinuance of Government and Assisted Intermediate and Primary schools, their administration and management;

(ii) the inspection and examination of such schools, and the curriculum and instruction to be given therein;

(iii) payment of grants-in-aid to such schools and the conditions under which such payments shall be made;

(iv) the payment or remission of fees in respect of attendance at Intermediate schools.

#### (b) *Secondary Education*—

(i) the establishment, maintenance and discontinuance of Government and Assisted Secondary schools, their administration and management;

(ii) the inspection and examination of such schools and the courses and schedules of studies to be followed therein;

(iii) payment of grants-in-aid to Secondary schools and the conditions under which such payments shall be made; the payment or remission of pupils' fees;

(iv) the conditions of affiliation of such schools to the Queen's Royal College;

(v) the award, amount and tenure of exhibitions and the conditions under which candidates shall be examined.

(c) *Teachers*—

(i) training of teachers, their qualifications and payment and the conditions of their employment, including their appointment, transfer, grading and dismissal;

(ii) the establishment and administration or discontinuance of Government and Assisted Training colleges for teachers;

(iii) payments of grants to Training colleges and hostels and of allowances to students.

(d) *General*—

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

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

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

5. Regulations made under the last preceding section shall have no force or effect until they have been approved by the Legislative Council.

*Amended*  
*Ord 27/49*  
Regulations  
to be  
approved by  
Legislative  
Council.

## PART II.

### EDUCATION BOARD.

6. (1) There shall be established a Board to be styled the Education Board and composed of fourteen members, nominated by the Governor, of whom the Director shall be one, and of such persons as may be co-opted by the Board under subsection (2) of this section. There shall be at least one Primary

Education  
Board.

School teacher in active service and one woman nominated as members of the Board.

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

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

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

7. The Board shall be primarily a consultative body, constituted to advise on any grade or type of education that the Governor may include within its scope. Status.

8. The functions of the Board shall be— Functions.

(a) to advise the Governor in regard to educational policy and principles, and to submit its views on any educational question which the Governor may refer to it: Provided that in the absence of such reference it may draw the attention of the Governor to any aspect of educational policy or administration which in its opinion requires attention;

(b) to assist the Director of Education in the framing of rules and regulations for the approval of the Governor;

(c) to advise the Director of Education on any administrative question that he may submit for the Board's opinion: Provided that in the absence of such reference it may draw attention to any aspect of administration that, in its opinion, requires attention;

(d) to undertake such executive duties as the Governor may from time to time impose, either indefinitely or for a stated period.

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

Business of  
the Board.

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

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

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

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

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

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

Resignation  
and vacation  
of member-  
ship.

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

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

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

### PART III.

#### INTERMEDIATE AND PRIMARY SCHOOLS, TEACHERS AND MANAGEMENT.

Classes of  
schools.

12. Intermediate and Primary schools may be established and maintained in accordance with regulations made under this Ordinance. There shall be two classes of such schools: Government schools and Assisted schools.

Distribution  
and grading.

13. The Governor shall have and exercise final authority in regard to (a) the number, distribution, and grading of schools that are maintained by, or that receive assistance from, public

amended by 10/48 (3)(1)(i) funds, (b) their assignment to a particular denomination or <sup>body</sup> association, or to interdenominational management, with reference not only to the strength of the various <sup>religious</sup> churches <sup>communities</sup> in the area under consideration, but also to the need for economy and efficiency, and (c) the retention or establishment of Government schools in areas where denominational schools cannot be maintained effectively and economically, or with due regard to the reasonable demands of all sections of the population.

14. (1) Pupils shall be admitted free to all Government and Assisted Primary schools. Admission.

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

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

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

(2) Religious instruction may be given only during hours set apart for the purpose and inserted in the time table, and shall not form part of the school curriculum controlled by the Department. Religious instruction.

The time during which any religious observance is practised or religious instruction is given at any meeting of an Assisted school shall be either at the beginning or the end, or at the beginning and the end of such meeting, and shall be inserted in a time table to be approved by the Director and to be kept permanently and conspicuously affixed in every school-room, and any scholar may be withdrawn by his parent

*Repealed + replaced by Ord 17/49*

*2-R . and 17/49*

or guardian from such observance or instruction without forfeiting any of the other benefits of the school.

*amended by sec. 4 of 18/48* (i) + i) (3) Religious teaching shall not form part of the instruction required to be given at any Government school by any teacher; but any Minister of religion <sup>or recognised religious expert</sup> or any person duly deputed by him in writing, shall be authorised to give religious instruction to the children of the religious denomination <sup>or body</sup> to which the Minister <sup>or recognised religious expert</sup> belongs, at such times and places as may be agreed upon between him and the Director.

Management of Government schools.

17. The Governor shall appoint such persons as he thinks fit to be managers of Government schools and he may in his discretion remove any such manager at any time.

Management of Assisted schools.

*repealed & replaced by sec. 5 of 18/48* 18. (1) Assisted schools shall be under the direction of Boards of management to be appointed by (a) the Head or Governing Body of a religious denomination, or (b) in the case of East Indian schools by an association approved by the Governor for the establishment of such schools.

(2) Such Boards of management shall appoint, transfer, suspend or dismiss the head and assistant teachers of schools under their direction, and shall deal with all other matters relating to the establishment, organization and discontinuance of such schools.

*amended by 18/48 (5)(b)* (3) The Head or Governing Body of the religious denomination, <sup>or body</sup> ~~or in the case of East Indian schools the association~~, in connection with which an Assisted school is conducted, shall further appoint at least two managers of such school, and shall have power to require the retirement of any such manager: Provided that the Governor in Council may also require the retirement of any manager.

*amended by 18/48 (5)(b)* (4) The appointment and the retirement of any manager and of any member of the Board of management for an Assisted school shall be notified to the Director by the Head or Governing Body ~~or association~~ concerned.

(5) No teacher or any person who derives any profit or emolument from any Intermediate or Primary school shall be a manager of a school. A teacher may, however, be appointed a member of a Board of management.

19. (1) Head and Assistant teachers in Government schools shall be appointed, transferred, suspended or dismissed by the Director: Provided that they shall be dismissed only on the authority of the Governor. Employment of teachers.

(2) Head and Assistant teachers in Assisted schools shall be appointed, transferred, suspended or dismissed by the Board of management: Provided that—

(a) all appointments, transfers, and dismissals shall be subject to the approval of the Director;

(b) where the Board of management proposes to dismiss a teacher, a statement in writing of the grounds of dismissal shall be served upon him, and he shall be given a reasonable opportunity to be heard in his own defence;

(c) a statement of the findings of the Board of management and the reasons for dismissal shall be served upon the teacher by the Board of management, and shall also be forwarded to the Director;

(d) the dismissal of a teacher shall on appeal be subject to the approval of the Governor;

(e) in the case of an appeal, the Governor shall have power not only to consider the procedure leading up to dismissal, but also to enquire into the facts of the case.

## PART IV.

### SECONDARY SCHOOLS AND TRAINING COLLEGES.

20. Secondary schools may be established and maintained in accordance with regulations made under this Ordinance. Secondary schools.

21. There shall be two classes of such schools: Government schools and Assisted schools. Classes of schools.

22. A Government Central Institute and Assisted Training colleges for the instruction and training of men and women student teachers and hostels for their accommodation may be established and maintained in accordance with regulations made under this Ordinance. Training Colleges.

PART V.

COLONIAL SCHOLARSHIPS.

Colonial Scholarships. Ord. 2—1938, ss. 2 and 3.

*Repealed & replaced by 47/47*

23. (1) The Governor in Council may in each year award three Colonial Scholarships (which shall be known respectively as the Modern Studies Scholarship, the Mathematical Scholarship, and the Science Scholarship) to students of Queen's Royal College or of any Secondary school established and conducted by the Government or of any school affiliated to the said College, who shall have passed such examination and shall have satisfied such requirements as may be prescribed by regulations made under this section. The Governor in Council may in any year allocate one of the three scholarships for a special purpose.

(2) The Director in consultation with the Board and subject to the approval of the Governor in Council may make regulations prescribing the examination to be passed by candidates for each scholarship, the conditions to be observed by candidates before admission to the examination, and the conditions to be observed by scholars during the period of the scholarship: Provided that regulations made under this subsection shall have no force or effect until they have been approved by the Legislative Council.

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

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

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

*repealed & replaced by sec. 6 of 1948.*

*amended by 28/1945  
see (2)*

(a) Each scholar to whom a scholarship is awarded shall be paid a maintenance allowance of nine hundred and sixty dollars per annum for a period of four years: Provided that the Governor in Council may, on being satisfied that *as each school fund as to may hold etc.*

further financial assistance is required after the expiration of four years to enable the scholar to complete his course of study and that such scholar is making reasonable and satisfactory progress in his studies, authorise the payment of the aforesaid maintenance allowance from year to year for a further period not exceeding two years.

(b) All matriculation fees, registration fees, ordinary tuition and examination fees, and other fees certified by the Director of Colonial Scholars as being necessary for the approved course of study, shall be paid on behalf of the scholar.

(c) A passage allowance of one hundred and sixty-eight dollars in respect of the passage from the Colony to the place of study shall be paid to each student to whom a scholarship has been awarded and in the event of a scholar returning to the Colony within a year of the completion of his studies a further sum of one hundred and sixty-eight dollars shall be paid in respect of the passage back to the Colony: Provided that the Governor in Council may extend the time of such payment to two years after the completion of a scholar's studies for the purpose of enabling the scholar to obtain further qualifications or experience in his profession or course of study.

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

(7) The provisions of this section shall apply to all scholars who were awarded scholarships as the result of the examination held in July, 1937, and to all scholars to whom scholarships have been granted and who were pursuing their studies abroad on the 24th of March, 1938: Provided that in the latter cases the payment in respect of annual allowances and fees under paragraphs (5) (a) and (b) of this section shall commence as from the 1st of October, 1937.

Application  
of this  
section.

## PART VI.

## COLLEGE EXHIBITIONS.

College Exhibitions.

24. The Governor in Council may in each year award exhibitions of such number and value as may be deemed advisable, tenable at the Queen's Royal College, any Assisted Secondary school or Intermediate school.

## PART VII.

## GRANTS FROM GENERAL REVENUE.

Conditions of grants-in-aid.

*amended  
by 18/48  
(77)*

25. Subject to the provisions of this Ordinance and to the regulations made thereunder any Assisted school, Training college or hostel may, on application being made by the Head or Governing Body of the religious denomination or ~~association~~ <sup>society</sup> by which such school, college or hostel is maintained, receive such aid from public funds as is prescribed by regulations made under this Ordinance.

Registers and Records.

26. Any Assisted school, Training college or hostel receiving aid from public funds shall—

(a) keep such registers as may be required by the Director and produce such registers for inspection when required to do so;

(b) submit annually before the 31st of January a detailed statement of the expenditure of the grant, in respect of the previous year ending the 31st of December:

Provided that any school, Training college or hostel recognized after the commencement of this Ordinance for the purpose of receiving aid from public funds, shall submit such other statements of expenditure and revenue as may be required by the Governor;

(c) be open to inspection by the Director.

Refusal of grants-in-aid.

27. (1) No grant shall be made to any Assisted school, Training college or hostel—

(a) which fails to comply with the requirements of this Ordinance or of regulations made thereunder;

(b) unless the grant to such institution shall be applied only for educational purposes approved by the Director;

(c) which the Governor considers superfluous or unnecessary;

(d) which is maintained for the financial benefit of an individual or any group of individuals.

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

Saving as to certain enquiries.

## PART VIII.

### FREE TUITION.

28. It shall be lawful for the Governor to grant free tuition and the use of the necessary stationery and school books at the Queen's Royal College or at any Assisted Secondary or Intermediate school, to the child or children of any person dying while in the service of the Government, or during service as a teacher under this Ordinance, or of any person who at the time of his death was in receipt of a pension payable from public funds in respect of service under the Government or as a teacher.

Free tuition to children of deceased public officers and teachers.  
Ord. 7—1936,  
s. 4.