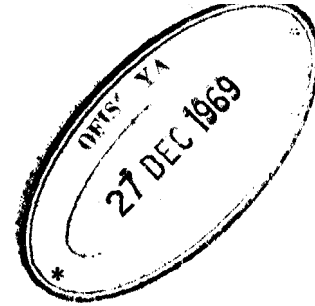


THE EDUCATION ACT, 1969

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THE UNITED REPUBLIC OF TANZANIA



No. 50 OF 1969

I ASSENT,

A handwritten signature in black ink, reading 'Julius K. Nyerere', followed by the word 'President' in a bold, italicized font.

24TH DECEMBER, 1969

An Act to repeal and replace the Education Ordinance and to provide for the development of a system of education in conformity with the political, social and cultural ideals of the United Republic

I-----I

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Education Act, 1969 and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

2.- (1) In this Act, unless the context otherwise requires —

"Advisory Committee" means a Committee appointed under Part II;
 "assisted school" means any public school other than a Government school;

"Board" means a School Advisory Board established under Part IV;

"Director" means the Director of National Education, and includes any person appointed by him in writing to perform any of the functions of the Director;

"education" means the training of persons in general learning and includes physical, religious and cultural training;

"Education Secretary-General" means the person appointed by the Minister to co-ordinate the educational activities of private schools or any group of private schools;

"Government school" means a school owned and managed by the Government;

"grant-in-aid" means a grant of money or of educational materials and supplies from the Government or from a local authority in aid of any school or group of schools or of any educational activity;

Short title
and
commence-
ment
Interpretation

"manager" in relation to any school other than a Government school means the person or body of persons responsible for the management of the school;

"Minister" means the Minister for the time being responsible for National Education;

"Ministry" means the Ministry of National Education;

"owner" in relation to a school means-

- (a) the person who receives for his own benefit or for the benefit of himself and others the fees paid by or on behalf of the pupils, whether or not the whole or any part of such fees is expended on the maintenance of the school or for purposes exclusively relating to the school; or
- (b) if there is no such person as specified in paragraph (a), the person who has the power to appoint and dismiss the teachers of the school; or
- (c) if there is no such person as specified in paragraph (a) or (b), the person entitled in possession to the premises in which the school is conducted:

Provided that where a school is the property of a body of persons, and such body of persons has appointed a person to represent it in matters relating to the school, the person so appointed shall be deemed to be the owner of the school for the purposes of this Act;

"parent" in relation to any pupil or child includes the guardian of such pupil or child;

"primary education" means full-time **education given during the** first seven years of formal education in accordance with the syllabus approved by the Director:

Provided that the Minister may, by Order published in the *Gazette*, extend the period of primary education to any number of years not less than seven, as he may deem desirable in the national interest;

"primary school" means a school providing primary education;

"private school" means any school other than a public school;

"proper officer" means the Minister for the time being responsible for local government, and includes any person appointed by him to perform the functions under this Act of the proper officer;

"public school" means any school maintained by, or assisted by any grant from, the Government or a local authority and includes a Government school;

"school" means an assembly, by whatever name called, in which not less than seven pupils receive education, and any institution or place from which education is imparted to pupils by means of correspondence or otherwise, but does not include-

- (a) any such institution established by or under any written law;
- (b) any institution or assembly in respect of which the Minister is satisfied that its sole or main purpose is to provide for religious instruction and which is licensed by the Minister as a religious school;
- (c) any institution maintained by a religious society for the purpose of training for the ordained ministry or for admission to a religious order, operating under a licence issued by the Minister;
- (d) any club established for and consisting substantially of persons under the age of eighteen years, notwithstanding that instruction is given therein, where the establishment of such club has been approved in writing by the Minister responsible for national culture and such approval has not been withdrawn.

"School Committee" means a committee established under Part IV;

"secondary education" means formal education continued after primary education in accordance with a syllabus approved by the Director;

"secondary school" means a school providing secondary education;

"teacher" means any person registered as a teacher under this Act.

(2) The Minister may, by Order in the *Gazette*, and subject to such conditions as he may specify therein, exempt any school or teacher from all or any of the provisions of this Act.

3. The Minister shall, in accordance with the powers conferred and the duties imposed upon him by this Act, be responsible for the promotion of education, and for the progressive development of schools, in Tanganyika having regard at all times to the national interests and the interests of the people of the United Republic.

Responsi-
bilities of
Minister

4. The local administration of the system of education provided for by this Act shall, in respect of primary education, be conducted by Local Education Authorities in accordance with the provisions of Part III of this Act, and such Local Education Authorities shall conduct such administration having regard to the national interests and to the interests of the people of the United Republic.

Local
adminis-
tration

PART II

ADVISORY COMMITTEE

5. The Minister shall establish an Advisory Committee, to advise him upon matters relating to the educational policy in Tanganyika and in particular upon-

- (a) the organization of educational facilities in Tanganyika;
- (b) the promotion of education and development of schools in accordance with the principles set out in section 3 and section 4;
- (c) any proposed legislation relating to or affecting education which it is intended to submit to the National Assembly;

Establish-
ment and
functions of
Advisory
Committee

- (d) any other matter which may be referred to the Advisory Committee by the Minister.

PART III

LOCAL EDUCATION AUTHORITIES

Local Education
Authority

6.-(1) Subject to the provisions of subsection (2) every local authority shall be the Local Education Authority for the primary schools within the area of its jurisdiction.

(2) The Minister may, by Order, direct that the local authority named in the Order shall be the Local Education Authority for any primary school or primary schools situated outside its area of jurisdiction and thereupon such school or schools shall, for the purposes of this section, be deemed to be situated within the area of jurisdiction of the local authority so named; and where such Order is made then, notwithstanding any other provision of this Act, the local authority, if any, within the area of jurisdiction of which any primary school or primary schools, the subject of such Order, is or are situate, shall not be the Local Education Authority for such school or schools while the Order is in force:

Provided that no Order shall be made under this subsection save after consultation with the local authority within whose area of jurisdiction the school or group of schools is to be deemed to be situate.

Functions
of Local
Education
Authorities

7. (1) Subject to the provisions of subsection (3) the functions of the Local Education Authority in respect of the primary schools for which it is such Authority shall be—

- (a) to submit to the Minister for his approval plans for the promotion and development of education and to carry out such plans as are approved;
- (b) to prepare and submit to the proper officer for his approval estimates of revenue and expenditure;
- (c) to administer in accordance with approved estimates, subventions or grants-in-aid from the Government or from the local authority;
- (d) to, collect, and receive school fees;
- (e) to make recommendations to the Minister with respect to the ownership, management and registration of new schools;
- (f) to manage any school owned by the local authority;
- (g) to exercise such other functions as may be conferred upon it by this Act or any other written law;
- (h) subject to the directions of the Minister, to do all such acts and things as may be necessary or expedient for the efficient discharge of its functions.

(2) A Local Education Authority may, in respect of the primary schools for which it is such Authority, prescribe, by resolution or such other manner as the proper officer may direct, the school fees payable in respect of pupils in such schools:

Provided that any fees prescribed by a Local Education Authority under this subsection shall not be less than the minimum fees prescribed by the Minister under the provisions of this Act in respect of primary schools or any category of primary schools.

(3) Notwithstanding the provisions of section 6 it shall be lawful for a Local Education Authority to make recommendations in respect of the ownership, management and registration of pre-primary schools.

8.-(1) Every Local Education Authority shall establish an Education Committee to advise the Authority on the performance of its functions under this Act.

Education
Committees

(2) The provisions of the Schedule to this Act shall have effect with respect to the constitution, proceedings and acts of, and otherwise in relation to, an Education Committee established under subsection (1).

(3) The Minister may, after consultation with the proper officer, amend, vary or replace the Schedule to this Act.

9. The Minister may, after consultation with the proper officer, give directions either of general or a specific character to any Local Education Authority in relation to the performance by such Authority of any of its functions, and every Authority to whom such directions are given shall give effect to them.

Minister
may give
directions

10.-(1) Where, in the opinion of the Minister, it is in the public interest so to do, he may, by Order, transfer the functions of a Local Education Authority in relation to any primary school or primary the Local schools to the Ministry or any person or body of persons appointed by him in that behalf.

Minister may
transfer the
functions of
Education
Authority

(2) Where an Order under subsection (1) is made in respect of any primary school or primary schools the Local Education Authority shall cease to exercise its functions under this Act in respect of such school or schools, and where such Order is made in respect of all the schools for which a Local Education Authority is such Authority it shall be unlawful for the Local Education Authority to perform any of the functions under this Act of such an Authority.

(3) Where the functions of a Local Education Authority are transferred to the Ministry or to any person or body of persons, the Ministry or, as the case may be, the person or body of persons to whom such functions are transferred, may exercise all the powers of a Local Education Authority necessary for the performance of such functions and, in addition thereto, may exercise such other power or powers as the Minister may confer upon it or him, and references in this Act to a Local Education Authority shall be construed as references to the Ministry or such person or body of persons.

PART IV**MANAGEMENT AND CONTROL OF SCHOOLS**

Management
of Govern-
ment and
public schools

11.-(1) The management and administration of all Government and public schools shall, subject to the provisions relating to primary schools contained in Part 111, be the responsibility of the Director or, in the case of any school or schools, such other officer of the Ministry as the Director may appoint to manage and administer such school or schools.

(2) The Director shall, upon the commencement of this Act, take over the management and administration of every assisted school from any former manager or managers of such school.

(3) The former manager or managers of every assisted school shall, upon the commencement of the Act, hand over the management and administration of the school to the Director, and shall do or join in doing all acts or things that it is necessary or convenient to do for or in relation to the assumption by the Director of the administration and management of the school.

(4) Any manager who contravenes the provisions of subsection (3) shall be guilty of an offence and, on conviction, shall be liable to a fine not exceeding five hundred shillings in respect of each day that the contravention continues.

Establish-
ment of
Boards for
public
schools

12. The Minister shall, by order, establish an Advisory Board for every public school or a group of public schools.

Constitution
and functions
of Boards

13. An Order under section 12 establishing a Board may provide for-

- (a) the exercise by the Board of the duty of the management of the school or group of schools specified in the Order subject to such limitations or restrictions as may be specified therein;
- (b) a membership of the Board of not less than four and not more than twelve persons;
- (c) the representation on the Board of the Government and of such bodies or organizations as, in the opinion of the Minister, should be so represented;
- (d) the method by which continuity of membership of the Board shall be maintained;
- (e) the revocation of the appointment of, the retirement of and the resignation of, members of the Board and the appointment of temporary members in case of the absence or inability to act of members thereof;
- (f) such other matters as the Minister may consider necessary in respect of the constitution, functions or procedure of the Board.

Establish-
ment of
Boards for
private
schools

14. Where, in the opinion of the Minister, it is in the public interest to establish a School Advisory Board for any private school or group of such schools, the Minister may, after consultation with the person or body of persons responsible for the management of the school or group of schools, by Order, establish a Board for the school or group of schools.

15. An Order under section 14 establishing a Board may provide for-

constitution
and
functions for
Private
schools

- (a) the exercise by the Board of the duty of the management of the school or group of schools specified in the Order subject to such limitations or restrictions as may be specified therein;
- (b) a membership of the Board of not less than four and not more than twelve persons;
- (c) the representation on the Board of the manager or managers of the school or group of schools, the Government and such other bodies and organizations as, in the opinion of the Minister, should be so represented;
- (d) the method by which continuity of membership of the Board shall be maintained;
- (e) the revocation of the appointment of, the retirement of and the resignation of, members of the Board and the appointment of temporary members in case of the absence or inability to act of members thereof;
- (f) such other matters as the Minister may consider necessary in respect of the constitution, functions or procedure of the Board.

16. Where a Board has been appointed for any private school, or a group of such schools, the management of the school or, as case may be, the group of schools shall, subject to the provisions of exercise the Order made under section 15, vest in such Board, and every person exercising any function in relation to the management of the school shall forthwith, upon the establishment of the Board, cease to exercise such function.

Former
the managers to
cease to
powers where
Board
appointed for
private
school

17. Where, in the opinion of the Director, it is in the public interest that a School Committee be established for any school (whether a Government school, an assisted school or a private school) or any group of schools, he may, by Order, establish such a Committee.

Establish-
ment of
School
Committees

18. An Order under section 17 establishing a School Committee may provide for-

constitution
and
functions of
school
committees

- (a) the exercise by the Committee of the power of considering, accepting and refusing applications for admission to the school or group of schools specified in the Order, subject to such limitations or restrictions as may be specified therein:

Provided that where the Committee refuses any application for admission, the applicant or his parent aggrieved by such decision may appeal to the Minister or any person authorized by the Minister in writing in that behalf, and the decision of the Minister or, as the case may be, of the person authorized by him to hear such appeal, shall be final;

- (b) a membership of the Committee of not less than four and not more than twelve persons;
- (c) the representation on the Committee of-
 - (i) the Government; and
 - (ii) in the case of a private school, the person or persons responsible for the management of such school;

- (iii) in the case of an assisted school, the person or body of persons who were responsible for the management of such school prior to the commencement of this Act, or, if such person or, body of persons refuse to be represented, the owner of such school;
- (iv) such other bodies or organizations as, in the opinion of the Director, should be so represented;
- (d) the method by which continuity of membership of the Committee shall be maintained;
- (e) the revocation of the appointment of, the retirement of and the resignation of, members of the Committee, and the appointment of temporary members in the case of absence or inability to act of members thereof;
- (f) such other matters as the Director may consider necessary in respect of the constitution, functions or procedure of the Committee;

Provided that unless the Order specifically so provides the Committee shall have no control or authority over any teacher or servant appointed, in the case of a Government school, by the Government, or, in the case of any other school, by the person or persons responsible for the management of the school.

PART V

CLASSIFICATION AND REGISTRATION OF SCHOOLS AND TEACHERS

Classification
of schools

19. The Director may adopt a system of classification with appropriate nomenclature for distinguishing-

- (a) different types of schools according to the nature or level of education provided therein; and
- (b) different classes, standards or forms within schools according to the nature and level of education provided therein.

Conditions to
be complied
with in
respect of
schools

20. (1) No school other than a Government school shall be established or maintained unless-

- (a) the owner of the school has been approved as an owner of a school of that type by the Minister, and such approval has not been withdrawn;
- (b) the manager of the school is either the owner or a person or body of persons approved as manager for the school by the Director and such approval has not been withdrawn;
- (c) the school is registered under the provisions of this Act;
- (d) such other conditions as may be prescribed have been complied with.

(2) For the purposes of this Act the establishment of a school shall be deemed to include-

- (a) the provision of any nature or level of education in any school, where such education is of a different nature or level from the nature or level of education falling within the classification in which the school is for the time being registered under this Part; or

- (b) the reopening of any school which has remained closed for a period of six consecutive months or more; or
- (c) the transfer, whether by way of partnership or otherwise, of the ownership or management of any school, but not including the transfer of management pursuant to the provisions of subsection (2) of section 11 or consequent upon the appointment of a School Advisory Board; or
- (d) the transfer of any school to a new site, save where such transfer has taken place with the prior approval in writing of the Director.

21.(1) Application for approval as owner of a school or schools shall be made in such manner as may be prescribed. Approval of owners

(2) The Minister may approve any person as owner of a school or schools or may reject any application and may at any time withdraw any approval so given:

Provided that no approval may be withdrawn unless-

- (a) the Minister shall have first caused a notice of withdrawal to be served on the owner specifying the grounds upon which the withdrawal is proposed and the conditions, if any, to be complied with by the owner within such reasonable period, being not less than three months, as may be specified in the notice as a condition of cancelling such notice; and
- (b) the owner shall have failed within such period as may be specified in such notice, or such further period as the Minister may in any particular case allow, either to comply with the conditions set out in the notice or to show cause to the satisfaction of the Minister why such notice should not be cancelled.

(3) Where the Minister has withdrawn his approval of any person as owner of a school, he shall cause that person to be informed accordingly and thereupon such person shall, within such time as the Minister may direct-

- (a) transfer the school to some person approved by the Minister; or
- (b) close the school.

(4) The Minister shall cause the name of any person approved as owner of a school or schools and the withdrawal of any such approval to be published in the *Gazette* not later than the thirty-first day of December of the year in which the approval is given or withdrawn:

Provided that failure to publish in the *Gazette* any approval or withdrawal shall not affect the validity of such approval or withdrawal.

(5) In exercising his power under this section to reject an application for approval of any person as owner or to withdraw any approval given, the Minister shall have regard to the interests of the public as a whole:

Provided that the Minister's decision shall be final and shall not be challenged in, or be subject to review by, any court.

22.-(1) Application for approval as manager of a school shall be made in such manner as may be prescribed. Approval of managers

(2) The Director may approve any person as manager of a school or may reject any application, and may at any time withdraw any approval so given.

(3) Where the Director has withdrawn his approval of any person as manager of a school he shall inform that person accordingly, and thereupon the appointment of that person as manager of that school shall cease and the owner of the school shall, within such time as the Director may direct-

- (a) assume personally the responsibility for the management of the school; or
- (b) appoint as manager a person approved by the Director; or
- (c) close the school.

Registration
of schools

23.-(1) Any person desiring to establish a school shall make application for the registration thereof in such manner as may be prescribed.

(2) Upon receipt of an application for registration the Director, if satisfied that the requirements of this Act and of any regulations made hereunder have been or will be complied with, shall register the school in such manner as may be prescribed.

Provided that the Director may, if in his opinion the establishment of the proposed school will not be in the public interest, refuse to register the school.

(3) Upon registering any school under the provisions of this section the Director may register the school in any category within the system of classification adopted by him under section 19.

(4) The Director shall at convenient intervals cause to be published in the *Gazette* a list of all schools registered under the provisions of this Act and the classification of such schools.

Registration
of teachers

24.-(1) The Director shall keep or cause to be kept in such manner as he may deem necessary a register of all teachers.

(2) For the purposes of this section the register of teachers shall be kept in two parts, and teachers shall be registered as follows: -

- (a) teachers to whom teaching certificates or licences to teach have been issued in accordance with regulations made under this Act and who fulfill such requirements applicable to such teachers as may be prescribed, shall be registered in Part I of the register;
- (b) all other teachers shall be registered in Part II of the register.

(3) The Director may, if he is satisfied that any person registered as a teacher under this section has failed or ceased to fulfill any of the requirements prescribed by or under this Act, or that on any other ground that may be prescribed, the name of any teacher ought to be removed or suspended for any period from the register of teachers, direct the removal or suspension of the name of the teacher from the register of teachers, and upon such removal or suspension the person affected shall cease to be a registered teacher for the period during which such removal or suspension remains in force, and the register of teachers shall be amended accordingly.

(4) Every registration in Part I of the register and every removal or suspension from Part I of the register of the name of any person shall be published in the *Gazette* not later than the thirty-first day of December in the year in which such registration, removal or suspension takes place:

Provided that failure to publish any registration, removal or suspension in the *Gazette* as required by this subsection shall not affect the validity of such registration, removal or suspension, as the case may be.

PART VI

MISCELLANEOUS

25.-(1) Where, pursuant to the provisions of this Act, the administration and management of an assisted school is transferred to the Director, the Director may consult the former manager or the owner of the school in connection with the administration and management of the school, and such manager or owner shall render all such assistance to the Director as may be necessary for the efficient administration and management of the school.

Consequences
of transfer
of admini-
stration of
assisted
schools

(2) The transfer under this Act of the administration and management of any assisted school shall not prejudice or affect in any way the right, title or interest of the owner in or over the land, building and other improvements on the land, furniture and equipment which comprise the school.

(3) All the teachers employed in an assisted school immediately prior to the commencement of this Act shall, immediately upon the commencement of this Act, become and be the employees of the United Republic and members of the Unified Teaching Service established by the Unified Teaching Service Act, 1962.

Cap. 463

(4) The Minister may, by order, exempt any teacher or class of teachers from the provisions of subsection (3) and any teacher or class of teachers so exempted shall be deemed to continue and to have continued at all times after the commencement of this Act to be employed as such by the person by whom such teacher or teachers were employed immediately prior to the commencement of this Act and as if subsection (3) had not been enacted.

(5) The Minister may, at any time within twelve months from the commencement of this Act, by order, make such transitional, consequential or supplementary provisions as he may deem necessary to give effect to the provisions of subsection (3), and all such provisions shall have effect as if they were contained in this Act.

(6) Where pursuant to the provisions of this Act, the administration and management of an assisted school is transferred to the Director the owner of such school may transfer to the Government his right, title or interest in or to the land, building and other improvements on the land, furniture and equipment which comprise the school upon such terms and conditions as may be mutually agreed upon between the owner and the Minister.

(7) Where in accordance with the provision of subsection (6) any right, title or interest in or over a land is transferred to the Government, then, notwithstanding any written law to the contrary-

- (a) the consent of any authority or other person having a superior right, title or interest in or over such land shall not be required to such transfer;
- (b) no stamp duty or other fee whatsoever shall be payable upon such transfer.

Management
of primary
assisted
schools

26. Where, by virtue of the provisions of this Act, the administration of any primary assisted school is transferred to the Director, the Minister may direct that the Director shall, subject to such terms and conditions as the Minister may specify, hand over the administration and management of the school to the Local Education Authority within whose area of jurisdiction the school is or is deemed to be situate.

Expenditure
of moneys
allocated
for grants-
in-aid
Admission to
schools not
to be refused
on the ground
of religion,
race, etc.

27. Any moneys allocated by way of subventions or grants-in-aid by the Government or any local authority shall be expended in accordance with such conditions as may be prescribed.

28.-(1) No person having control over admission of pupils to any school, whether Government, public or private, shall refuse admission to any pupil on the ground of his religion or race:

Provided that-

- (a) this section shall not apply to any school in which the instruction imparted is wholly or mainly of a religious character if admission to such school is open to all members of the public professing that religion regardless of their race;
- (b) it shall be lawful for public schools to give preference to the citizens of the United Republic.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred shillings.

Religious
instruction
in schools

29. (1) If the parent of any pupil attending any school requests that he be excused from attendance at religious instruction or religious worship given or conducted in the school, then, until the request is withdrawn, the pupil shall be excused from such attendance.

(2) Where the parent of a pupil attending a public school desires him to attend religious instruction of a kind which is not provided in the school, the school shall, so far as may be practicable, accord facilities for the pupil to receive religious instruction from a teacher of religion appointed by a religious organization approved by the Minister and also accord facilities to the pupil to attend religious worship of the kind desired by the parent.

(3) No subvention or grant-in-aid shall be paid under this Act in respect of any religious instruction given in any school.

Revocation of
appointment
of Education
Secretary-
General

30. The Minister may at any time revoke his approval of the appointment of any Education Secretary-General, and thereupon such person shall cease to be an Education Secretary-General for the purposes of this Act.

Power to
prohibit use
of books, etc.

31. The Minister may, by order in writing, prohibit the use in any school of any book or material for any reason which he may think fit.

32.-(1) If the Director is satisfied by such evidence as he may deem sufficient that any school is being conducted in contravention of any of the provisions or requirements of this Act or any regulations made hereunder, he may, by notice in writing, require the owner, manager, the Board or any other person who is in actual charge of the school, to take and do such steps and things within reasonable time as will ensure that the school shall be conducted in compliance with such provisions or requirements.

Power to
close schools

(2) The notice mentioned in subsection (1) shall specify in what respect the Director considers the provisions or requirements in question are being contravened and the time within which the steps and things necessary to comply with such provisions or requirements are to be taken and done.

(3) If at the completion of the time specified in the notice, or any extension thereof that the Director may allow, the Director is not satisfied that the school is being conducted in compliance in every respect with the provisions or requirements in question, the Director may order the school to be closed.

(4) If the Minister is satisfied by such evidence as he shall deem sufficient that any school is being conducted in a manner detrimental to the interests of peace, order or good government, or the physical, mental or moral welfare of the pupils attending it, or contrary to the national education policy, he may order that the school be closed.

(5) No person shall continue to maintain a school which has been ordered to be closed under this section, and the name of such school shall forthwith be removed from the register of schools.

33.-(1) Where any decision or order is made under the provisions of this Act by any Local Education Authority or by the Director or other officer of the Ministry, any person aggrieved by such decision or order may appeal there against to the Minister within such time and in such manner as may be prescribed.

Appeals

(2) The decision of the Minister on any appeal under this subsection shall be final and conclusive and shall not be subject to review by any court.

34. Nothing in this Act shall be construed as preventing the establishment or maintenance of Government schools within Tanganyika.

Establi-
ment of
Government
schools
unrestricted
compulsory
attendance
and
enrolment

35.-(1) Subject to the provisions of subsection (2) the Minister may, by order in the *Gazette*, direct that the attendance at schools of pupils enrolled therein shall be compulsory and may, by the same or any other order, further direct that the enrolment of children as pupils in schools shall be compulsory.

(2) An order made under subsection (1) shall specify the age or ages and sex of the children to which it shall apply and may be made in respect of any area in Tanganyika.

(3) No order shall be made under this section in respect of any primary school except after consultation with the Local Education Authority for such school.

(4) Where the contravention of any order made under this section is declared to be an offence, such offence shall be triable by a court of resident magistrate, a district court or a primary court.

Control over
school fees

36. No private school shall charge school fees unless the rates of such school fees have first been approved by the Director.

Offences

37.-(1) Any person who-

- (a) establishes or maintains any school without having been approved by the Minister as the owner thereof, or continues to maintain such school after such approval has been withdrawn; or
- (b) conducts any school without having been approved by the Minister as the owner thereof or approved by the Director as the manager, as the case may be, or in either case continues to conduct such school after such approval has been withdrawn; or
- (c) establishes or maintains any school which is not registered in the register of schools kept in accordance with this Act; or
- (d) maintains or conducts, or permits to be maintained or conducted, any school after an order has been made for the closing of the school; or
- (e) uses or permits to be used in any school any book or material the use of which has been prohibited by an order made under this Act; or
- (f) teaches in any school without being registered as a teacher under the provisions of this Act save where such person gives religious instruction only; or
- (g) permits any person other than a teacher duly registered in accordance with the provisions of this Act to teach any secular subject in any school; or
- (h) being the manager, owner or headmaster of a private school, or a person concerned with the administration or management of such school, collects, receives or charges or permits to be collected, received or charged, school fees at the rate or rates which have not been approved by the Director,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand shillings or, in the case of a second or subsequent offence, to such fine or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment, and in every case where the offence is a continuing one, with an additional fine not exceeding two hundred shillings in respect of every day during which the offence continues.

(2) No proceedings shall be taken against any person in respect of any of the offences specified in subsection (1) without the prior consent of the Director of Public Prosecutions.

Regulations

38. The Minister may make regulations for the better carrying out of the purposes and objects of this Act and, without prejudice to the generality of the foregoing, may make regulations for the following purposes—

- (a) to prescribe the conditions upon which grants-in-aid and subventions may be paid, their amount, the times and method of their payment and the manner in which they shall be applied;

- (b) to prescribe the composition and procedure of an Advisory Committee;
- (c) to prescribe the duties of Education Secretaries-General;
- (d) to prescribe the requirements to be fulfilled upon application for approval as owner of a school or as manager of a school;
- (e) to require assisted schools and private schools to obtain approval for the employment of any teacher and to prescribe the terms and conditions upon which a teacher may be employed in any such school;
- (f) to prescribe the requirements to be fulfilled upon application for registration of a school;
- (g) to prescribe the requirements to be fulfilled by schools included in the register of schools and any matter which shall constitute a contravention thereof;
- (h) to provide for the grant of teaching certificates and licences to teach, and for the grounds upon which such certificates or licences may be cancelled or revoked;
- (i) to prescribe grounds for the removal or suspension of the names of teachers from the register of teachers;
- (j) to provide for payment to persons employed in the examination of teachers for the purposes of this Act;
- (k) to provide for the examination of pupils in schools;
- (l) to provide for the inspection of schools;
- (m) to require the statistics and accounts in respect of schools to be furnished to the Director;
- (n) to prescribe the basic syllabus to be followed in schools;
- (o) to prescribe the minimum fees payable in any public school, the manner of payment and the recovery thereof:
 Provided that the Minister shall not make regulations to prescribe the minimum fees payable in any primary school without consultation with the proper officer;
- (p) to prescribe the conditions of admission to schools;
- (q) to prescribe the conditions of expulsion or exclusion from schools on the grounds of age, discipline or health and to provide for and control the administration of corporal punishment in schools;
- (r) to provide for the manner in which compulsory attendance at school of pupils enrolled therein, and compulsory enrolment in schools may be ensured;
- (s) to prescribe conditions for the grant of bursaries and scholarships and for the remission of fees;
- (t) to prescribe the persons entitled to visit schools and to inspect and take copies of, or extracts from, records or accounts kept in respect of the schools;
- (u) to provide for the licensing of religious schools;
- (v) to prescribe the manner in which application may be made for the licensing of an institution of the type referred to in paragraph (c) of the definition "school" in section I and for the approval of a club of the type referred to in paragraph (d) of that definition;

(w) to prescribe anything which may be prescribed under this Act or in respect of which regulations may be made under this Act;

W to prescribe anything which, in the opinion of the Minister, is necessary or expedient to be prescribed in order to implement the national education policy.

(2) Regulations made under subsection (1) may be made applicable to all or any category of schools.

Repeal,
transitional
and savings
Cap. 446

39.-(1) The Education Ordinance is repealed.

(2) Notwithstanding the repeal of the Education Ordinance-

- (a) all orders, appointments and regulations made under the Education Ordinance shall, until revoked by orders, appointments or regulations, as the case may be, under this Act, be deemed to have been validly made under this Act and shall have effect accordingly and may, from time to time, be amended by orders, appointments and regulations under this Act;
- (b) all schools established or registered in accordance with the provisions of the Education Ordinance shall be deemed to have been established and registered in accordance with the provisions of this Act;
- (c) all teachers registered under the Education Ordinance shall be deemed to have been registered under this Act;
- (d) all Boards established under the Education Ordinance shall be deemed to be Boards established under and for the purposes of this Act;
- (e) all Education Committees established under the provisions of the Education Ordinance shall be deemed to be Education Committees established under and for the purposes of this Act;
- (f) the registers of schools and the registers of teachers maintained under the Education Ordinance may continue to be maintained as if such registers were registers provided for by this Act.

(3) The Minister may, by order published in the *Gazette*, at any time before the expiry of six months from the date of commencement of this Act, make such consequential, transitional and supplementary provisions as he may consider necessary to give effect to the provisions of this section or to maintain continuity in respect of any matter provided for in this Act.

SCHEDULE

(a) Constitution of Education Committees

1. An Education Committee shall consist of-

- (a) not more than ten members appointed by the Local Education Authority of whom no fewer than half shall be members of that Authority;
- (b) not more than five members appointed by the Minister after consultation with the Local Education Authority to represent such bodies or societies as are concerned with the management of the schools for which the Local Education Authority is such Authority.

2. Subject to the provisions of paragraphs 3 and 4-

- (a) a member appointed under sub-paragraph (a) of paragraph 1 who is a member of the Local Education Authority shall hold office for such period as the Authority may at the time of his appointment specify and if no such period has been specified, for a period of three years from the date of appointment, or so long as he remains a member of the Authority, whichever is the less, but, subject to his continuing to be a member of the Authority, shall be eligible for re-appointment;
- (b) a member appointed under sub-paragraph (a) of paragraph 1 who is not a member of the Local Education Authority and a member appointed under sub-paragraph (b) of paragraph 1 shall hold office for a period of three years from the date of his appointment but shall be eligible for re-appointment.

3. Any member may resign from the Committee by notice in writing addressed to the chairman, and as from the date specified in the notice or, if no date is specified, from the date of receipt of the notice by the chairman, such member shall cease to be a member of the Committee.

4. The Local Education Authority may at any time revoke any appointment made by it under sub-paragraph (a) of paragraph 1 and the Minister may at any time revoke any appointment made by him under sub-paragraph (b) of paragraph 1.

5.-(1) Whenever the place of any member of an Education Committee for any reason falls vacant then-

- (a) if such member was appointed under sub-paragraph (a) of paragraph 1, the Local Education Authority may appoint another member in his place;
- (b) if such member was appointed under sub-paragraph (b) of paragraph 1, the Minister may appoint another member in his place.

6. Subject to the provisions of paragraphs 3 and 4-

- (a) a member appointed under sub-paragraph (a) of paragraph 5 who is a member of the Local Education Authority shall hold office for such period as the Authority may at the time of his appointment specify, and if no such period is specified, for a period of three years from the date of his appointment or for so long as he remains a member of that Authority, whichever is the less, but, subject to his continuing to be a member of the Authority, shall be eligible for re-appointment;
- (b) a member appointed under sub-paragraph (a) of paragraph 5 who is not a member of the Local Education Authority, or a member appointed under sub-paragraph (b) of paragraph 5 shall hold office for a period of three years from the date of his appointment but shall be eligible for re-appointment.

(b) *General Provisions Regulating the Meetings, Proceedings and Acts of the Education Committees*

7.-(1) Every Education Committee shall meet at least twice in every year.

(2) The quorum of every Education Committee shall be not less than two-thirds of the total membership of the Committee.

8.-(1) Every Education Committee shall have a chairman who shall be a member of the Local Education Authority and who shall be elected by the Committee from among the members thereof present at the first meeting and, thereafter, subject to the provisions of sub-paragraph (4), annually.

(2) The chairman of a Committee shall, subject to his continuing to be a member of the Authority, be eligible for re-election.

(3) A chairman of a Committee may at any time during his term of office be removed from his office as chairman by a resolution of not less than three-fourths of the members present and voting at a meeting of the Committee.

(4) In the event of the office of chairman of a Committee becoming vacant for any cause whatsoever during the term of office of the holder thereof a successor who shall be a member of the Authority shall be elected at the next meeting of the Committee held after the date on which the vacancy occurs and such successor may serve for the remainder of the period of office for which his predecessor had been elected and shall then retire but shall, subject to his continuing to be a member of the Authority, be eligible for re-election.

9.-(1) At every meeting of an Education Committee the chairman of the Committee shall preside. If no chairman has been elected, or in the absence of the chairman from the meeting, the members of the Committee present at the meeting shall elect a temporary chairman from among the members of the Committee who are also members of the Authority and who are present at the meeting.

(2) Subject to sub-paragraph (4) of paragraph 8 all questions that may come before an Education Committee at any meeting shall be decided by the votes of the majority of the members present at the meeting, and in the event of an equality of votes the chairman shall, in addition to his vote as a member, have a casting vote.

10-(1) The chairman of an Education Committee may invite any person to attend, and to speak on any matter, at any meeting of a Committee, but no such person shall vote upon any matter.

(2) The Minister may empower any person to attend any meeting or meetings of a Committee and any person so empowered may attend such meeting or meetings and may take part in the proceedings thereat, and, if he so requests, his advice on any matter shall be recorded in the minutes of the meeting, but he shall not vote upon any matter.

Passed in the National Assembly on the seventeenth day of December, 1969.


Msekwa
Clerk of the National Assembly

