



**BELIZE**

**EDUCATION ACT  
CHAPTER 36**

**REVISED EDITION 2000**  
**SHOWING THE LAW AS AT 31ST DECEMBER, 2000**

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

| This edition contains a consolidation of the following laws- | Page     |
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| <b>ARRANGEMENT OF SECTIONS</b>                               | <b>3</b> |
| <b>EDUCATION ACT</b>                                         | <b>7</b> |
| Amendments in force as at 31st December, 2000.               |          |



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**CHAPTER 36**

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SCHEDULE

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**CHAPTER 36**

## EDUCATION

6 of 1991.  
21 of 1996.  
42 of 1999.

[24th April, 1991]

## PART I

*Preliminary*

1.-(1) This Act may be cited as the Education Act.

Short title and  
commencement.

(2) It shall come into force on such date as the Minister may, by order published in the *Gazette*, appoint.

2. In this Act, unless the context otherwise requires-

Interpretation.

(a) “Chief Education Officer” means the Public Officer appointed as such under section 4 (1) of this Act;

(b) “child of compulsory school age” means any person who is between five years and fourteen years of age;

21 of 1996.

(c) “community school” means a school or institution not owned by a specific person, organization or group of organizations and which is managed by a Board composed mainly of representatives of parents, school staff and local community organizations;

21 of 1996.

(d) “Council” means the National Council for Education established under section 7 of this Act;

(e) “denomination” refers to religious denomination;

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- (f) “government school” means a school maintained wholly from the General Revenue;
- (g) “government-aided school” means a school in receipt of a grant-in-aid from the Government in accordance with the provisions of this Act;
- (h) “manager, managing authority or board of governors or trustees” means a person or committee appointed in accordance with section 14 of this Act;
- (i) “Minister” means the Minister responsible for education; and “Ministry” shall be construed accordingly;
- (j) “non-coeducational” refers to a school, college or other educational institution in which all students are of the same gender;
- (k) “parent”, in relation to any child, includes a guardian or any person who has actual custody of the child;
- (l) “post-secondary institution” or “tertiary institution” refers to educational institutions whose normal matriculation requirements include completion of secondary school;
- (m) “prescribed” means determined by rules made under this Act;
- (n) “preschool” means an educational institution or programme for children between the ages of three and five years;
- (o) “primary school” means a school recognized by the Ministry of Education as providing instruction and training suited to the ages, abilities and aptitudes of children between the ages of five



years and fourteen years;

- (p) “principal” means, in relation to any school, the teacher in charge of the school;
- (q) “private school” means a school which is neither a government school nor a government-aided school;
- (r) “proprietor” means – 21 of 1996.
- (i) in relation to a school, the person or body of persons responsible for the management of the school; and
  - (ii) in relation to an application for a licence to operate a school, the person or body of persons proposing to be responsible for the management of such school.
- (s) “registered pupil” means, in relation to any school, a pupil recorded as such in the register kept in accordance with rules made under this Act, but does not include any child who has been withdrawn from the school;
- (t) “school” means an institution that provides preschool, primary or secondary education; and “institution” refers to educational institutions providing some form of schooling;
- (u) “school attendance officer” means a person appointed under section 38 of this Act;
- (v) “school year” means a period prescribed or approved as such under this Act or regulations made thereunder;

- (w) “secondary school” means a school recognized by the Ministry of Education as providing education and training suited to the ages, abilities and aptitudes of students between the ages of twelve years and eighteen years;
- (x) “teacher” means a person appointed by the manager or managing authority of a school for the purpose of instructing students;
- (y) “term” means a period during the school year as prescribed or approved under this Act or regulations made thereunder;
- (z) “walking distance” means, in relation to a child who has not attained the age of eight years, two miles, and, in the case of a child eight years and above, three miles, measured by the nearest available route.

## PART II

*The Ministry of Education*

General functions  
of the Ministry of  
Education.

21 of 1996.

3.-(1) The Ministry of Education, under the general direction of the Minister, shall work in partnership, consultation and cooperation with churches, communities, voluntary organizations, private organizations and such other organizations and bodies which the Ministry may identify and recognize as education partners for the sufficient and efficient provision of education in Belize.

(2) In discharging its functions under subsection (1) above, the Ministry of Education shall:-

- (a) establish and set national education goals and policies;

- (b) provide support systems for the effective delivery of appropriate and equitable educational services at all levels of the education system;
- (c) monitor the quality and effectiveness of education and the pre-school, primary, secondary, and post-secondary levels of the education system.
- (3) (a) District Education Councils shall be established to assist the Ministry of Education in planning, managing and monitoring the delivery of educational services in each district in Belize.
- (b) The composition and terms of reference of the District Education Councils shall be as specified in Rules made under this Act.

4.-(1) There shall be a Chief Education Officer who shall be a public officer appointed by the Governor-General, with the advice of the Prime Minister in accordance with section 107 of the Constitution of Belize.

Appointment of Chief Education Officer.  
CAP. 4.

(2) The Chief Education Officer shall be responsible for advising the Minister and the National Council for Education on educational policy and for the discharge of the functions of the Ministry of Education under this Act and any rules made thereunder.

(3) The power to exercise disciplinary control over a person holding or acting in the office of Chief Education Officer and the power to remove such person from office shall likewise vest in the Governor-General acting in accordance with the advice of the Prime Minister.

5.-(1) There shall be appointed such other officers and employees as are required to carry out the provisions of this Act or any rules made thereunder.

Appointment of other officers and employees.

CAP. 4. (2) The power to appoint the officers and employees referred to in subsection (1) above (including the power to transfer and confirm appointments) and to exercise disciplinary control over such officers and employees, including the power to remove such officers and employees from office, shall vest in the appropriate Section of the Public Services Commission as prescribed in section 105 (11) of the Constitution.

Annual Report.  
21 of 1996. 6. The Chief Education Officer shall submit annually to the Minister and to the National Council for Education an annual report, in such form as may be required, on the state of education in Belize.

### PART III

#### *National Council for Education*

National Council  
for Education. 7. (1) There shall be and is hereby established in and for Belize a Council to be called the National Council for Education, embodying the partnership between the state and its partners in education, such as churches, communities, voluntary organizations and other partners in education.

21 of 1996. (2) The Council shall be composed of not more than fifteen members appointed by the Minister, who shall include-

- (a) the Chief Education Officer (or his nominee) who shall be an *ex officio* member;
- (b) a representative of the denominational management of primary schools nominated by the Association of General Managers;
- (c) a representative of managing authorities of secondary schools nominated by the Association of Managing Authorities of Secondary Schools;

- (d) a representative of a recognized teachers' union with the widest national representation of teachers;
- (e) not more than five professionals in the different levels and sectors of the educational system, such as representatives from the Belize Association of Principals of Secondary Schools or the Association of Tertiary Level Institutions of Belize; and
- (f) representatives of parents associations, business and the community. 21 of 1996.

8. The Council shall advise the Minister on all matters relating to education as requested and shall consider and make proposals to the Minister on matters relating to education as the Council considers expedient. General functions of the Council.

9. The Schedule shall have effect in regard to the appointment of the Chairman, Vice-Chairman and Secretary of the Council, the terms of office of members and all other matters therein contained. Governance of Council. Schedule.

#### PART IV

##### *Establishment and Management of Schools*

10. To meet the requirements of this Act, there shall be established a system of preschools, primary schools, secondary schools, post-secondary and other educational institutions, the operation of which shall be subject to the provisions of this Act and any rules made thereunder. Establishment and operation of schools.

11. The Chief Education Officer in consultation with the Council shall have the power to determine- Power of Chief Education Officer to determine number, location, assignment and closure of schools.

(a) the number and location of schools and institutions;

- (b) the assignment of a government school or institution to a particular religious denomination or inter-denominational management with reference to the denominational affiliation of the people in the area under consideration and to the need for economy and efficiency;
- (c) the retention or establishment of government schools and institutions in areas where government-aided schools cannot be maintained effectively and economically, or with due regard to the reasonable demands of all sections of the population; and
- (d) the closure or amalgamation of schools or institutions in consultation with the managers or managing authority of such schools and institutions and with due regard to the reasonable wishes of those affected.

Approval of  
schools.  
21 of 1996.

12.-(1) Any person or body of persons wishing to operate a preschool, primary school, secondary school, post-secondary or other educational institution shall obtain a licence to operate such a school or institution from the Chief Education Officer:

Provided that the proprietor of such an institution or school already in existence at the date of commencement of this Act and who has already received the approval of the Ministry of Education to operate such an institution or school shall, upon application, be granted a licence under this Act.

(2) The procedure and criteria for obtaining a licence to operate such a school or institution shall be set out in Rules made under this Act.

(3) The particulars in respect of schools and institutions as required by this Act or Rules made thereunder shall be caused to be recorded by the Chief Education Officer in a register to be designated "The Register of

Schools”.

13.-(1) Prior to any change in the ownership of a school or institution, or any modification in the particulars supplied on the application for a licence to operate such a school or institution, the proprietor shall furnish the Chief Education Officer with full information concerning the suggested change.

Change in ownership and closing of private schools, etc.  
21 of 1996.

(2) On receipt of an application under subsection (1), the Chief Education Officer may approve or disapprove the change of ownership of the school or institution.

14.-(1) Every religious denomination, body or institution having one or more government-aided school or institution shall, after consultation with the Chief Education Officer, appoint a manager, managing authority or board of governors or trustees as may be appropriate.

Managing authorities.

(2) Boards of management of government and government-aided community schools and educational institutions shall be appointed in accordance with Rules made under this Act.

21 of 1996.

(3) The Chief Education Officer shall keep a current register of managers, managing authorities and boards.

15. Managers, managing authorities or boards shall be responsible for the proper and efficient organization and management of schools or institutions and for the adequate provision, with assistance and in partnership with the Government under the conditions for Grant-in-aid as specified in this Act or rules made thereunder, of such support systems required to deliver appropriate education to students enrolled in schools under their management.

General functions of managers and managing authorities.

Employment of teachers.

16. The manager or managing authority of a government or government-aided school or institution shall have the authority to appoint, transfer, release, suspend or dismiss members of staff of their respective schools or institutions subject to the following conditions in so far as same are applicable-

- (a) no teacher shall be appointed who does not possess the minimum qualifications for the post as may from time to time be prescribed by rules or regulations made under this Act;
- (b) where the manager or managing authority proposes to terminate the appointment of or to release, suspend or dismiss a teacher, a statement in writing of the grounds for such action shall be served upon such teacher and copied to the Chief Education Officer;
- (c) the teacher and/or his agent shall be given a reasonable opportunity to be heard in his own defence and a statement of the findings of the manager or managing authority shall be forwarded to the Chief Education Officer;
- (d) every teacher aggrieved by an order of release, suspension, dismissal or termination from service under this section may, within thirty days of the receipt of such order, proffer an appeal to the Chief Education Officer:

Provided that the Chief Education Officer may entertain the appeal after the expiry of thirty days if he is satisfied that the appellant was prevented by sufficient cause from proffering the appeal within the said period of thirty days;

- (e) if the aggrieved teacher is not satisfied with the decision of the Chief Education Officer, he may, within fourteen days of the receipt of



the decision, submit the case to the Arbitration Panel constituted in accordance with section 46 of this Act.

17. -(1) No person shall be employed as a teacher who does not possess a valid licence to teach.

Licensing and disqualification of a teacher. 21 of 1996.

(2) The conditions for licensing of teachers, the regulation of the behaviour of teachers and other school staff, the Code of Ethics governing them, and disciplinary procedures and other measures applicable to them, including disqualifications for breaching any provisions of the Act or Rules made thereunder, or any other pertinent laws, shall be specified in Rules made under this Act:

Provided that no person shall be granted a licence to teach who has been convicted of a felony of a nature indicating unsuitability for the teaching profession.

(3) The particulars in respect of teachers as required by this Act or Rules made thereunder shall be caused to be recorded in a register maintained by the Ministry of Education to be designated “The Register of Teachers”.

18.-(1) All preschools, primary and secondary schools shall keep such records and submit such returns to the Ministry of Education as may be prescribed by rules or regulations made under this Act.

School monitoring.

(2) Within one month of the end of a school year, the manager or managing authority of a preschool, primary and secondary school shall furnish the Chief Education Officer on the prescribed form with a report of the year just completed.

(3) A biennial evaluation of each school shall be caused to be carried out by the Chief Education Officer and continuance of permission to operate the said schools will be dependent on the results of the said evaluation.

(4) Any person who -

(a) wilfully makes any false representations or returns to the Chief Education Officer or any officer deputed by him; or

(b) wilfully refuses to furnish to the Chief Education Officer or any officer deputed by him any information which such person may be required to furnish by this Act or the rules made thereunder;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars.

Health conditions in schools.

19. The Chief Education Officer in consultation with the Director of Health Services may make regulations governing the health conditions to be observed in schools. All such regulations shall be subject to the approval of the Minister.

Education Officer may enter any school.

20.-(1) The Chief Education Officer or any Education Officer deputed by him may enter any premises where a 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 by this Act or rules made thereunder.

(2) Any person who wilfully obstructs or resists the Chief Education Officer or any officer deputed by him in the performance of his duties, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars.

21.-(1) If the proprietor, manager or managing authority of a school commits any breach of the provisions of this Act or of any rules made thereunder, the Chief Education Officer shall give notice in writing to the proprietor, manager or managing authority requiring compliance with such provisions or to close down the school within such time not being less than fourteen days from the date of receipt of notice, as shall be stated in the notice.

Non-compliance with Act or rules made thereunder.

(2) A proprietor, manager or managing authority who fails to comply with the notice, issued in accordance with subsection (1) above shall be guilty of an offence and shall be liable, on summary conviction, to a fine of one hundred dollars for each day on which he fails to comply with the order.

## PART V

### *Grant-In-Aid*

22.-(1) The Ministry shall assist such schools or institutions as are approved under section 11 by way of grant-in-aid from public funds for such expenditures as are provided for in rules issued under this Act.

Conditions of grant-in-aid.

(2) Such rules shall state the commitments and standards to be met as condition of receipt of grant-in-aid.

(3) The conditions for grant-in-aid shall conform with the provisions of this Act and any rules made thereunder.

23. No grant or further grant shall be given to any school or institution which fails to comply with the provisions of this Act or of any rules or regulations made thereunder.

Refusal of grant-in-aid.

## PART VI

*Schooling*

- Admission to schools.  
21 of 1996.
- 24.-(1) No citizen or permanent resident of Belize shall be refused admission to any school on account of religion, race, ethnicity, language or political affiliation.
- (2) No person shall be refused admission to any school on account of gender, except where such schools are historically non-coeducational.
- Gender sensitivity.  
21 of 1996.
- 25.-(1) The education system shall ensure equitable access for both genders to education at all levels, shall be sensitive to the particular needs of the female gender, and shall cater to the special needs of challenged pupils.
- (2) Schools shall be free of gender, racial and other biases, and shall be managed in such a way that all students shall, as far as may be applicable, co-exist as peacefully and harmoniously as possible.
- Protection from harassment and abuse.  
21 of 1996.
26. School authorities shall ensure that pupils are free at school from sexual or other forms of harassment, from intimidation, and from exposure to drugs, pornography and other forms of morally, mentally or physically harmful activities.
- Punishment of students.  
21 of 1996.
27. For serious and repeated offences, punishment may be administered by the principal, or by a member of his staff under his authorisation:
- Provided that any such punishment shall not be excessive and harmful to the child.

28. The Chief Education Officer in consultation with the Council shall, with respect to government and government-aided preschools and primary schools and secondary schools - Courses of study.

- (a) prescribe areas of study;
- (b) issue curriculum guidelines and require that courses of study be developed therefrom; and
- (c) approve or permit the managing authorities of such schools to approve alternative areas of study *in lieu* of or in addition to prescribed areas of study.

29. The school day in every government and government-aided primary and secondary school shall include corporate worship and the singing of the National Anthem, and flag raising ceremonies shall be conducted at schools on a regular basis on the part of all pupils in attendance at the school: Worship and respect for national symbols.

Provided that no child or registered pupil shall be obliged to partake in worship if objection thereto is made in writing by either of his parents.

30. Religious instruction shall be given in every government and government-aided primary and secondary school, subject to such rules as may be prescribed: Religious instruction.

Provided that no child or registered pupil shall be obliged to undertake religious instruction if objection thereto is made in writing by either of his parents.

31. The Chief Education Officer, in consultation with the Council shall approve textbooks and other educational materials for use in government and government-aided preschools, primary schools and secondary schools. Textbooks and other educational materials. 21 of 1996.

Assessment and certification.  
21 of 1996.

32.-(1) The Chief Education Officer, in consultation with the Council, shall set standards for the completion of primary and secondary schooling and shall provide examinations and other measures for the assessment of students to determine the attainment of such standards.

(2) The Minister shall approve all national degrees, diplomas and certificates to be awarded to students.

(3) The Minister shall, on the recommendations of the Council, approve the accreditation of foreign diplomas, degrees and certificates.

School Year.

33.-(1) The Minister may make regulation-

(a) governing the school year, terms, teaching sessions and holidays;

(b) authorizing the manager or managing authority to vary for a school or schools under its jurisdiction one or more school terms or school holidays as prescribed by the regulations; and

(c) permitting the manager or managing authority to designate, and to implement with the approval of the Chief Education Officer, for a school or schools under its jurisdiction a school year, school term or school holiday that are different than those prescribed by the regulations.

21 of 1996.

(2) If any school or institution has to be closed for a total of five or more consecutive days in a school year, other than for scheduled holidays, the proprietor shall immediately inform the Chief Education Officer of the reasons for the closure, and the period for which it is likely to remain closed. The approval of the Chief Education Officer is required for both the closure and the re-opening of the school or institution.

## PART VII

*School Attendance*

34. It shall be the duty of the parent of every child of compulsory school age who has not yet completed primary school to cause him to receive suitable education either by regular attendance at school or otherwise.

Parent's duty to have child educated.

35.-(1) If it appears to the Chief Education Officer that the parent is failing to perform the duty imposed on him by the last foregoing section, it shall be the duty of the Chief Education Officer to cause a notice to be served upon the parent requiring him within fourteen days from the service thereof to satisfy the Chief Education Officer that the child is receiving suitable education either by regular attendance at school or otherwise.

School attendance order.

(2) If after such notice has been served upon a parent, the parent fails to satisfy the Chief Education Officer that the child to whom the notice relates is receiving suitable education, then, if in the opinion of the Chief Education Officer it is expedient that he should attend school, the Chief Education Officer shall serve upon the parent an order in the prescribed form (hereinafter referred to as "a school attendance order") requiring such parent to cause the child to become a registered pupil at a school named in the order:

Provided that:

- (a) no school attendance order shall be served on the parent where there is not, within walking distance of the child's residence, a government or government-aided school or registered private school unless suitable arrangements exist for the transport of the child to and from the child's residence and a government or government-aided school or registered private school; and

(b) before serving such an order upon a parent or making any amendment to such an order involving a change of the school specified in the order, the Chief Education Officer shall, where practicable, afford him an opportunity of selecting the school to be named in the order or, as the case may be, to be substituted for the school named in the order and if a school is selected by him that school shall be the school to be named in the order or, as the case may be, to be named in the order when amended.

(3) If in proceedings against any person for failure to comply with a school attendance order that person is acquitted, the court may direct that the school attendance order shall cease to be in force, but without prejudice to the duty of the Chief Education Officer to take further action under this section if at any time he is of the opinion that having regard to any change of circumstances it is expedient to do so.

(4) Save as provided by the last foregoing subsection, a school attendance order made with respect to any child shall, subject to any amendment thereof which may be made by the Chief Education Officer, continue in force so long as such child is of compulsory school age unless sooner revoked by the Chief Education Officer.

Failure to attend school.

36.-(1) If a child of compulsory school age who is a registered pupil at a school fails to attend regularly thereat, the principal of the school shall inform the parent and the School Attendance Officer of the irregular attendance.

(2) A child of compulsory school age who is a registered pupil at a school shall not be deemed to have failed to attend regularly at a school by reason of his absence therefrom -



- (a) at any time when he was prevented from attending by reason of sickness, bad weather or any other unavoidable cause;
- (b) on any day exclusively set apart for religious observance by the religious body to which his parent belongs;
- (c) if the parent proves that the school is not within walking distance of the child's home and that no suitable transportation arrangements exist or that it is inexpedient for him to become a registered pupil at a school nearer to his home.

(3) If the parent of a child of compulsory school age who is a registered pupil at a school fails to take effective measures to ensure the regular attendance of his child he shall be guilty of an offence under this section.

37.-(1) Every parent who fails -

- (a) to comply with the requirements of a School Attendance Order made under section 35; or
- (b) to take effective measures to ensure the regular attendance of his child, as required by section 36,

Penalty for contravention of section 34, 35 or 36.

shall be liable on summary conviction to a fine not exceeding one hundred dollars.

(2) Proceedings under subsection (1) may be instituted by the Chief Education Officer or an officer duly authorised by him, or by a School Attendance Officer or by the Principal of the School concerned.

38. For the effective carrying out of the provisions of this Act, the Chief Education Officer, with the approval of the Minister, shall appoint

School attendance officers.

an adequate number of School Attendance Officers and define the area of their work. In the absence of School Attendance Officers, the Chief Education Officer shall make other arrangements for carrying out the provisions of this Act.

Duties of attendance officers.

39. It shall be the duty of each School Attendance Officer -

- (a) to ascertain and report to the District Education Officer every parent of every child resident within his area who has failed or is omitting to cause his child to receive suitable education;
- (b) to enforce the provisions of this Act and to prosecute those not complying therewith; and
- (c) to follow the directions, if any, laid down by the Chief Education Officer.

Power of attendance officers, etc., to enter any place for making enquiries.  
21 of 1996.

40.-(1) Any School Attendance Officer or any person duly authorized by the Chief Education Officer may enter any yard, house, building or place between the hours of eight o'clock in the morning and five o'clock in the evening of any day of the week except weekends and public holidays to make enquiries as to any child there residing or employed.

(2) Everyone who-

- (a) wilfully hinders or obstructs such persons as mentioned in subsection (1) in the performance of their duty under this section; or
- (b) wilfully makes any false representations to such persons with respect to the age or employment of a child who is under the compulsory school age; or

(c) wilfully refuses to afford to such persons reasonably requiring it, any information that he possesses as to the age or employment of a child who is under the compulsory school age,

shall be guilty of an offence and on summary conviction shall be liable to a fine not exceeding one hundred dollars.

(3) A member of the Police Department shall, when called upon by a School Attendance Officer or persons duly authorized by the Chief Education Officer, render such assistance as such officer may need in the performance of his functions under this Act.

42 of 1999.

41. (1) Managing authorities shall make regulations to be approved in accordance with rules made under this Act for the efficient and effective conduct of schooling, student discipline and behaviour, and student attire.

Withdrawal of pupil from school. 21 of 1996.

(2) In case of gross and repeated misbehaviour or infractions of the school rules which interferes with the general running or undermines the discipline of a school, the managing authority may have a pupil withdrawn from the school.

(3) The withdrawal of a child from a government or government-aided school shall be subject to rules made under this Act.

PART VIII

Further Education

42. Provision shall be made for the further education and training of Belizeans in such professional, technical, vocational and continuing education institutions or programmes as may be approved by the Minister in accordance with rules made under this Act:

Provisions for higher and continuing education.

Provided that such institutions already in existence at the date of the commencement of this Act shall not be required to apply for approval under this Act.

University of  
Belize.  
19 of 2000.

43. The University of Belize shall be governed by the Act for the establishment, management and development of that institution.

#### PART IX

##### *Scholarships and Bursaries*

Scholarships and  
awards.

44.-(1) The Minister may make regulations with regard to the granting and holding of scholarships.

(2) The Minister may in each year award scholarships and bursaries, of such number and value as may be deemed available and tenable at recognized secondary, vocational, technical and post-secondary institutions.

(3) The Minister may in each year award one or more scholarships to persons in accordance with the regulations governing the award of such scholarships to enable them to undergo approved courses of study at a college, university or other such post-secondary institution. Courses of study shall be approved taking into consideration the developmental needs of Belize and the preference of the individual.

Tuition and  
other school  
fees.  
21 of 1996.

45. (1) Pupils shall be admitted to all government and all government-aided primary schools without payment of any tuition fees. Special fees may be levied with the approval of the Chief Education Officer.

(2) Citizens and permanent residents of Belize shall be admitted to all government secondary schools without payment of any tuition fees. Special fees may be levied with the approval of the Chief Education Officer.

(3) Grant-aided secondary and post-secondary schools may charge tuition and special fees.

(4) The type and amount of such fees charged are to be approved by the Minister.

## PART X

### *Miscellaneous*

46. There shall be a panel appointed by the Minister to arbitrate cases referred to it under section 16 (*e*) and all other cases referred to it in accordance with rules made under this Act. Arbitration Panel. 21 of 1996.

47.-(1) The Minister after consultation with the Council may make rules for the carrying out of the purposes of this Act. Rules.

(2) Any rules made under subsection (1) above shall, as soon as they are made, be laid before the National Assembly and shall be subject to negative resolution.

48. On and from the commencement of this Act, the Education Act, shall stand repealed: Repeal of Education Act and savings. CAP. 29, R.E. 1980-1990.

Provided that any subsidiary legislation made thereunder shall continue in force until replaced by subsidiary legislation made under this Act.

## SCHEDULE

*Constitution of the National Council  
for Education*

## [Section 9]

- Composition.  
21 of 1996.
- 1.-(1) There shall be a Chairperson, Vice-Chairperson and Secretary of the Council.
- (2) The Chairperson and Vice-Chairperson shall be elected by members of the Council from its membership at its first meeting.
- (3) The Chief Education Officer shall be the Secretary to the Council.
- (4) Any vacancy on the Council shall be filled by a replacement appointed by the Minister and such a replacement shall be for the rest of the unexpired term of the person replaced and must be from the same category of persons as the former member.
- Term of office.
- 2.-(1) The term of office of the members of the Council, other than *ex officio* members, shall be for two years from the date of appointment but members shall be eligible for reappointment.
- (2) A member, other than an *ex officio* member, who absents from three consecutive meetings of the Council without cause sufficient in the opinion of the Chairperson, shall cease to be a member.
- (3) The Chairperson may at any time resign his office by informing the Minister in writing of his resignation.
- (4) Any member of the Council may resign his office by informing the Minister in writing through the Chairperson of his resignation.

(5) The Minister may terminate the appointment of a member who is incapable of carrying out his responsibility as a member of the Council.

3.-(1) The Council shall hold at least one meeting every three months. Meetings.

(2) Notice of every meeting shall be given and the agenda of the meeting and minutes of previous meeting thereof circulated not less than seven days prior to the date of such meeting, provided that this shall not apply to special meetings.

(3) The Chairperson shall preside over all meetings of the Council which he attends and in his absence the Vice-Chairperson shall preside. When both the Chairperson and the Vice-Chairperson are absent from a meeting, the members present shall choose one of their number to act as Chairperson.

(4) Eight members of the Council shall form a quorum at any meeting.

(5) Decisions of the Council at meetings thereof shall be taken by the majority of members present and voting.

(6) No act or proceedings of the Council or of any committee thereof shall be invalidated on account of any vacancy among the members of the Council or such committee.

4. The Chairperson may, at any time, summon a special meeting of the Council and must call such a meeting within fourteen days - Special meetings.

(a) of a request for that purpose addressed to him in writing and signed by five members of the Council; or

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

Provided that such request shall state the specific purpose for which the meeting is required to be summoned and that such meeting shall consider only the specific purpose for which it was summoned.

Minutes. 5.-(1) Minutes of each meeting shall be kept by the Secretary or such person as the Council appoints for this purpose; and must be confirmed at the next regular meeting of the Council.

(2) The Council shall keep a minute book in which its proceedings shall be recorded.

(3) A copy of the confirmed minutes of each meeting shall be forwarded to the Minister as soon as possible after the meeting at which they were confirmed.

Standing or  
ad hoc commit-  
tees.

6.-(1) The Council is empowered to appoint standing or ad hoc committees as it deems expedient.

(2) Each standing or ad hoc committee shall consist of members appointed by the Council from among its members. However, the Council can also appoint persons to a standing or ad hoc committee who are not members of the Council but have specific expertise.

(3) The Chairperson of any standing or ad hoc committee formed by the Council shall be a member of the Council and shall be appointed by the Chairperson of the Council.

(4) The Council shall decide on the terms of office, powers and functions of every standing or ad hoc committee it appoints under subsection (1).

(5) Decisions of standing or ad hoc committees shall be taken by a majority of members present and voting.