

# **EDUCATION ACT**

RL 2/603 - December 28, 1957

[Amendments]

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## **PART I – PRELIMINARY**

### **1 Short title**

This Act may be cited as the Education Act.

### **2 Interpretation**

In this Act –

“aided primary school” means a primary school in receipt of a grant in aid from Government funds;

“approved secondary school” means a secondary school approved by the Minister for the purpose of presenting students for the Cambridge Overseas School Certificate Examinations and eligible for a grant-in-aid from Government funds whether such grant is actually made or not;

“Education Authority” means a governing body established by the authorities of a religious denomination or by a local government body or by a group of private persons for the purpose of administering the schools under their control;

“Education Board” means the Advisory Board on Education established under section 5;

“junior secondary school” means a school providing post-primary education of a level lower than School Certificate level or equivalent;

“junior technical school” means a school providing a course of general education with a vocational component;

“manager” means the person who is responsible for the administration of any school other than a school entirely controlled by Government;

“Minister” means the Minister to whom responsibility for the subject of education is assigned;

“pre-vocational school” means a school providing pre-vocational education for a period of 3 years to any pupil who has failed the Certificate of Primary Education Examination and who is not eligible to remain in a primary school;

“primary school” means a school providing primary education for children between the ages of about 5 and 13 and includes an aided primary school;

“principal” means the head of a school responsible for the control and supervision of instruction in such school;

“qualified teacher” means a teacher who holds at least the minimum prescribed qualifications;

“register of managers”, “register of principals”, “register of schools” and “register of teachers” mean the respective registers maintained by the Minister under section 8;

“responsible party”, in relation to a child or young person, means the person who has for the time being the legal charge of or the control over that child or young person;

“satisfactory service” means service satisfactory to the Minister;

“school” means any assembly of not less than 10 pupils for instruction, and includes a vernacular school and night school;

“secondary school” means –

- (a) a junior secondary school;
- (b) a junior technical school; or
- (c) a school providing post-primary education of not less than 5 years duration leading to a public examination of School Certificate level or equivalent;

“Tribunal” means the Appeals Tribunal constituted under section 25;

“uncertificated teacher” means a person who does not hold any of the prescribed qualifications but who nevertheless is authorised by the Minister to teach under section 19.

[Amended 40/82; 56/83]

## **PART II – MINISTRY OF EDUCATION AND EDUCATION AUTHORITIES**

### **3 Powers and duties of Minister**

(1) The Minister shall have control of the educational system of Mauritius and shall be responsible for the general progress and development of such system.

(2) In particular, he shall ensure –

- (a) the effective direction, development and co-ordination of all educational activities in Mauritius;
- (b) the recruitment and training of teachers;
- (c) the progressive development for all classes of the community of practical education suited to the age, ability and aptitude of the pupil and relevant to the needs of Mauritius;
- (d) the more effective teaching of English and the spread of the English Language in Mauritius;
- (e) the further education of young people and adults through the organisation of youth services, continuation classes and adult education classes.

### **4 Delegation of powers by Minister**

All or any of the powers and duties conferred or imposed on the Minister by this Act may, subject to his control, be exercised by the Permanent Secretary and such other officers of the Ministry as may be authorised by the Minister in that behalf.

### **5 National Education Council**

(1) There is established for the purposes of this Act a National Education Council.

(2) The functions of the Council shall be –

- (a) to advise Government on policies for the effective direction, promotion and development of education;
- (b) to review the implementation of plans, policies, strategies, programmes and projects for the provision of education;
- (c) to examine and make recommendations on any educational matter referred to it by the Minister.

(3) The Council shall consist of –

- (a) the Minister of Education and Science as Chairman;
- (b) the Permanent Secretary, Ministry of Education and Science.
- (c) the Executive Director, Tertiary Education Commission;
- (d) the Vice Chancellor, University of Mauritius;
- (e) the Director, Mauritius Institute of Education;
- (f) the Director, Mahatma Gandhi Institute;
- (g) the Director, Mauritius Examinations Syndicate;
- (h) the Director, Mauritius College of the Air;
- (i) the Director, Private Secondary Schools Authority;
- (j) the Permanent Secretary, Ministry of Industry and Industrial Technology or his representative;
- (k) the Director, Ministry of Economic Planning and Development or his

representative;

- (l) the Permanent Secretary, Ministry of Manpower Resources, Vocational and Technical Training or his representative;
  - (m) the Permanent Secretary, Ministry of Social Security and National Solidarity or his representative;
  - (n) the Permanent Secretary, Ministry for Rodrigues or his representative;
  - (o) one representative of the National Children's Council;
  - (p) one representative of each of the Education Authorities;
  - (q) one representative of each of the Federations of Parent-Teacher Associations of primary and secondary schools;
  - (r) one representative of managers of private secondary schools;
  - (s) one representative of primary school teachers;
  - (t) one representative of private secondary school teachers;
  - (u) one representative of state secondary school teachers;
  - (v) one representative of the pre-school education sector;
  - (w) 3 members having wide experience in education;
  - (x) a representative of students of secondary schools.
- (4) The members specified in subsection (3) (o) to (x) shall –
- (a) be appointed by the Minister;
  - (b) hold office for 2 years; and
  - (c) be eligible for re-appointment.
- (5) There shall be a Secretary to the Council who shall be a public officer designated by the Minister.
- (6) The Council shall meet –
- (a) at least once every 3 months;
  - (b) on such other occasion as may be required by the Chairman.
- (7) In the absence of the Chairman, the Council shall be chaired by the Permanent Secretary, Ministry of Education and Science.
- (8) 12 members of the Council shall constitute a quorum.
- (9) The Council may appoint such committees and co-opt to these committees such other persons, not already members of the Council, as it may deem necessary.
- (10) The members shall be paid such fees and allowances as the Minister may determine.
- (11) Subject to the other provisions of this section, the Council shall regulate its meetings in such manner as it thinks fit.

[Amended 49/92]

### **5A The National Curriculum Advisory Board**

- (1) There is established for the purposes of this Act a National Curriculum Advisory Board.
- (2) The functions of the Board shall be –
- (a) to advise on a national policy for the development of the school curriculum with regard to the overall economic, social and cultural context of the country and the personal development of the student;
  - (b) to review regularly and make recommendations for the updating and consolidation of the school curriculum;
  - (c) to advise on curriculum development for children with special needs and for remedial education;
  - (d) to examine and advise on any matter relating to curriculum development, as may be referred to it by the Minister.
- (3) The Board shall consist of –
- (a) a Chairman, with wide experience in the field of education, to be appointed by

the Minister;

- (b) 3 representatives of the Ministry of Education and Science;
- (c) a representative of the University of Mauritius;
- (d) a representative of the Mauritius Institute of Education;
- (e) a representative of the Mauritius Examinations Syndicate;
- (f) a representative of the Mauritius College of the Air;
- (g) a representative of the Mahatma Gandhi Institute;
- (h) a representative of the Private Secondary Schools Authority;
- (i) a representative of the Industrial and Vocational Training Board;
- (j) a representative of the private sector;
- (k) 3 members representing such other interested groups as the Minister may determine.

(4) The members specified in subsection (3) (j) and (k) shall –

- (a) be appointed by the Minister;
- (b) hold office for 2 years; and
- (c) be eligible for re-appointment.

(5) The Board shall meet –

- (a) at least once every 3 months;
- (b) on such other occasion as may be required by the Chairman.

(6) 8 members of the Board shall constitute a quorum.

(7) The Board may appoint such committees and co-opt to these committees such other persons, not already members of the Board, as it may deem necessary.

(8) The members shall be paid such fees and allowances as the Minister may determine.

(9) Subject to the other provisions of this section, the Board shall regulate its meetings in such manner as it deems fit.

[Added 49/92]

### **5B Regional Education Boards**

(1) There shall be established for the purposes of this Act such number of Regional Education Boards, not exceeding 11, as the Minister may determine.

(2) The functions of each Education Board shall be –

- (a) to advise on the effective direction, promotion and development of education in the region for which it has been assigned responsibility;
- (b) to make recommendations on the future plans and projects for education in the region;
- (c) to advise on the improvement of the administration of schools;
- (d) to organise and foster educational activities with the collaboration of the schools and the Parent- Teacher Association;
- (e) to ensure the general welfare of students, and
- (f) to examine and make recommendations on any educational matter that may be referred to it by the Minister.

(3) The Board shall consist of –

- (a) a Chairman, who shall be a resident of the region having appropriate knowledge of and experience in education, to be appointed by the Minister;
- (b) 2 representatives of the Ministry of Education and Science, one of whom shall be of the rank of Senior Inspector;
- (c) 3 representatives of registered Parent-Teacher Associations of primary schools, one of whom shall be from a grant-aided school, and designated by the Federation of Parent-Teacher Association of the region;
- (d) one representative of a registered Parent-Teacher Association of a state secondary school of the region;

- (e) one representative of a registered Parent-Teacher Association of a private secondary school of the region;
  - (f) one representative from a registered pre-school of the region;
  - (g) 8 members of whom 3 shall be heads of primary schools and 2 shall be heads of secondary schools.
- (4) The members specified in subsection (3) (c) to (g) shall –
- (a) be appointed by the Minister;
  - (b) hold office for a period of 2 years; and
  - (c) be eligible for re-appointment.
- (5) Each Board shall have a secretary who shall be a public officer designated by the Minister.
- (6) Each Board shall meet –
- (a) at least once every 3 months;
  - (b) on such other occasion as may be required by the Chairman.
- (7) 8 members of the Board shall constitute a quorum.
- (8) In the absence of the Chairman, the representative of the Ministry of Education and Science shall act as Chairman.
- (9) The Board may appoint such committees and co-opt to these committees such other persons, not already members of the Board, as it may deem necessary.
- (10) The members shall be paid such fees and allowances as the Minister may determine.
- (11) Subject to the other provisions of this section, the Board shall regulate its meetings in such manner as it thinks fit.

[Added 49/92]

#### **6 Education Authorities**

- (1) There shall be Education Authorities responsible to the Minister for the good administration of the aided primary schools under their control.
- (2) The appropriate Education Authority for any religious denomination or a local government body or a group of private persons shall be such as may be approved by the Minister.
- (3) The Minister may withdraw the approval given to any Education Authority.

### **PART III – CONTROL AND INSPECTION OF SCHOOLS**

#### **7 Exemption of certain schools**

- (1) This Part shall not, except in such cases as the President may in the Gazette, specify, apply to –
- (a) any school entirely maintained and controlled by Government;
  - (b) any school in which the education is solely religious.
- (2) The Minister may, by regulations, exempt either in whole or in part from this Part and either absolutely or subject to such conditions as he thinks fit to impose, any school in which the education provided consists only of short series of lectures or short courses of instruction in individual topics, or in which the hours of instruction in each week do not exceed 6.

[Amended 48/91]

#### **7A Powers of the Private Secondary Schools Authority**

- (1) Subject to subsection (2), the powers conferred and the duties imposed upon the Minister under this Part shall, in respect of a private secondary school, be exercisable by the Private Secondary Schools Authority.
- (2) Notwithstanding subsection (1), to the extent that the powers referred to in subsection (1) relate to(

- a) pedagogical inspection;
- (b) the setting up of the Appeals Tribunal under section 25, these powers shall be exercisable by the Minister.

[Note]

### **8 Registers to be maintained**

- (1) The Minister shall cause to be maintained –
  - (a) a register of schools in which shall be entered the name and address of every registered school;
  - (b) a register of managers in which shall be entered the name and address of every registered manager and the name of the school of which he is the manager;
  - (c) a register of principals in which shall be entered the name, address and qualifications of every registered principal and the name of the school of which he is the principal; and
  - (d) 2 registers of teachers, in one of which shall be entered the name of every qualified teacher, and in the other, the name of every uncertificated teacher.
- (2) There may be entered in such registers such other particulars as the Minister thinks necessary.

### **9 Registration of schools**

- (1) No school shall begin to function unless it has been registered under this Act.
- (2) An application for the registration of a school shall be made by the person desirous of becoming the manager of such school not later than 31 July of the year preceding the year in which the proposed school is to begin to function.
- (3) Such application shall be made in the prescribed form and shall be accompanied by the documents specified therein together with particulars in respect of any grants to which the school may be entitled for the following year.
- (4) On receipt of any such application, the Minister may, subject to section 10 and after such inquiry as he may cause to be made, register or refuse to register the school.
- (5) Where the Minister agrees to register a school he shall cause to be issued to its manager a certificate of registration, in the prescribed form, on payment of the prescribed fee.
- (6) A certificate of registration issued under subsection (5) shall be valid for a period of one year but may be renewed annually, on payment of the prescribed fee.
- (7) The Minister may, on the issue or renewal of a certificate of registration under this section, attach to such certificate such conditions as he thinks fit to impose.
- (8) The Minister may cancel the registration of any school whose manager fails to comply with any condition attached to the certificate of registration issued in respect of such school or if he fails to comply with this Act.
- (9) The Minister may exempt the manager of any school from compliance with any of the provisions of this section.
- (10) A private secondary school shall, on registration, be classified according to such criteria as may be approved by the Minister.
- (11) A private secondary school shall not by reason only of its registration be entitled to grants under the Private Secondary Schools Authority Act.

[Amended 23/86]

### **10 Grounds for refusal to register a school**

- (1) The Minister may refuse to register a school or to renew the certificate of registration issued in respect of a school if it appears to him –
  - (a) that the proposed school premises constitute a dangerous building, or are structurally unsuitable to contain a school, or are insufficiently protected against the hazard of fire;
  - (b) that the proposed school premises are or are likely to be insanitary or for

reasons of health unsuitable to contain a school;

- (c) that the school does not conform to the regulations made under this Act;
- (d) that the proposed teachers do not possess the prescribed qualifications;
- (e) that the proposed school premises or equipment will not allow of efficient tuition in the subjects to be taught in the school;
- (f) that the manager is not a fit and proper person to act as such; or
- (g) that in the application for registration a statement has been made or information has been furnished which knowingly or recklessly is false in any material particular.

(2) The Minister may refuse to register a school if it appears to him that the opening of such school would be detrimental to the interests of Mauritius or of the public.

(3) Every manager of a private secondary school shall, on request, submit to the Minister -

- (a) a clearance certificate from the Ministry of Health in respect of the school;
- (b) a clearance certificate from the Fire Services in respect of the school;
- (c) a certificate in respect of the structural soundness of the school from a registered professional engineer approved by the Minister.

[Note] [Amended 23/86]

### **11 Cancellation of registration of a school**

The Minister may cancel the registration of any non-Government school –

- (a) on any of the grounds on which he would have been entitled to refuse registration under section 10;
- (b) where an offence against this Act has, subsequent to the registration of the school, been committed by the manager;
- (c) where it appears to him that the school has ceased to exist;
- (d) where the manager has failed to comply with a direction addressed to him under section 29; or
- (e) where it appears to him that the manager is not efficiently administering the school.

### **11A Private secondary schools**

- (1) Every private secondary school shall have a manager and a principal.
- (2) A manager of a private secondary school who possesses the required qualifications may also act as the principal of that private secondary school.

### **12 Registration of managers and principals**

- (1) Every manager or principal shall be registered.
- (2) An application for registration as manager or principal shall be made to the Minister in the prescribed form.
- (3) Upon receipt of an application for registration as a manager or principal of a school the Minister shall, subject to section 13 and after such inquiry as he thinks necessary, register the applicant as manager or principal of the school and inform him in writing accordingly.
- (4) Where a person is registered as manager of an existing school, he shall be deemed to be responsible for all the liabilities incurred by that school before his registration with regard to the teaching and non-teaching staff employed by the school and any grant paid to the school.

[Amended 23/86]

### **13 Refusal to register manager or principal**

The Minister may refuse to register a person as a manager or principal where it appears to him that the person –

- (a) is not resident in Mauritius;
- (b) is not a person of good character;

- (c) is medically unfit;
- (d) has attained the age of 70 years; or
- (e) has made any material misrepresentation in his application or in the course of an enquiry made under section 12 (3);
- (f) does not hold such qualifications as may be prescribed.

[Amended 28/84; 22/85] [Note]

#### **14 Grounds for cancellation**

(1) The Minister may cancel the registration of any manager or principal –

- (a) on any of the grounds on which he would have been entitled to refuse registration under section 13;
- (b) where it appears to the Minister that he has ceased to act as manager or principal, or to perform the duties of a manager or principal satisfactorily or if he wishes to resign, or where it appears to the Minister that his administration, control or supervision, as the case may be, is prejudicial to the interest of the students, teachers or school.;
- (c) where he has contravened this Act.

(2) Where the registration of a school has been cancelled, the Minister shall cancel the registration of the manager as manager or principal of that school.

[Amended 28/84] [Note]

#### **15 Teaching by unauthorised persons**

No person shall teach or be employed as a teacher in a school unless he is either a qualified teacher or is authorised to teach under section 19.

#### **16 Registration of a teacher**

(1) Any application for registration as a teacher shall be made to the Minister in the prescribed form and be accompanied by the documents therein specified.

(2) The Minister shall, upon receipt of any such application, subject to section 17 and after such inquiry as he thinks necessary, register the applicant as a teacher and shall issue to him a certificate of registration in the prescribed form.

#### **17 Grounds for refusal to register a teacher**

The Minister may refuse to register a person as a teacher where it appears to him that the person –

- (a) is not a person of good character;
- (b) is medically unfit;
- (c) has attained the age of 70;
- (d) does not possess the prescribed qualifications;
- (e) has knowingly or recklessly made a material misrepresentation in his application.

[Amended 28/84; 22/85]

#### **18 Cancellation of registration of teacher**

The Minister may cancel the registration of any teacher, and in the case of a teacher in an aided primary school, after consultation with the appropriate Education Authority –

- (a) on any ground on which he would have been entitled to refuse registration under section 17;
- (b) where it appears to the Minister that such teacher has been guilty of professional misconduct; or
- (c) where he has contravened this Act.

#### **19 Employment of uncertificated teachers**

(1) An uncertificated teacher may teach only where an authority has been issued under subsection (4) and may teach only in the school and subject to any limitations which may be specified in such authority.

(2) An uncertificated teacher shall not be employed unless at the time of application

for authority to employ him there is no suitable qualified teacher available for employment in the school in which he is authorised to teach.

(3) Where the manager of a school believes that there is not available a suitable qualified teacher for employment in his school or proposed school, he may make an application in the prescribed form to the Minister for authority to employ an uncertificated teacher.

(4) (a) The Minister may, upon receipt of an application for authority to employ an uncertificated teacher, subject to section 20 and after such inquiry as may be necessary, issue to the applicant an authority in writing in the prescribed form and shall issue to the uncertificated teacher a copy of it.

(b) The Minister shall thereupon enter the name of such uncertificated teacher in the appropriate register.

(5) Any authority issued under subsection (4) shall specify the school in which the uncertificated teacher may be employed and may, in the discretion of the Minister, impose limitations as to the subjects and classes which he may teach.

#### **20 Refusal to authorise uncertificated teacher**

The Minister may refuse to issue an authority under section 19 –

(a) on any ground on which he would have been entitled to refuse to register a person as a teacher under section 17 (a) to (d);

(b) where in the opinion of the Minister the standard of education of the person in respect to whom application is made is not satisfactory; or

(c) where in his opinion there is available for employment in the school concerned a suitable and qualified teacher.

#### **21 Cancellation of authority to teach**

(1) The Minister may cancel any authority issued under section 19 on any ground on which he would be entitled to cancel the registration of a teacher under section 18.

(2) The Minister shall cancel such authority on termination of the employment of the uncertificated teacher.

#### **22 Service of notice by Minister**

(1) Where the Minister has made a decision in the exercise of his discretion under sections 10, 11, 13, 14, 17, 18, 20 and 21 (1) he shall serve a notice in writing upon such person who as applicant, manager, or teacher, as the case may be, appears to him to be directly and adversely affected by his decision, stating the grounds for such decision, and the Minister shall further inform him of his right of appeal.

(2) In the case of aided primary or approved secondary schools, the notice shall be served through the Education Authority, if any.

#### **23 Appeal against Minister's decision**

Any person directly and adversely affected by a decision of the Minister may within 21 days of the service of notice under section 22 appeal in writing to the Tribunal.

#### **24 Suspension of decision during appeal**

No decision of the Minister under sections 11, 18 or 21 (1) shall take effect until after the expiry of the period within which appeal may be made against such decision in accordance with section 23 or, where the appeal has been made within that period, until its final determination.

[Note]

#### **24A. Appeal from cancellation under section 14**

(1) Where the Minister cancels the registration of a manager or principal of a private secondary school under section 14(1)-

(a) that person shall, upon receipt of notice served by the Minister under section 22, cease to act as manager or principal, as the case may be;

(b) subject to subsection (2), the private secondary school shall, not later than 7 days of the date on which a notice is served under section 22, appoint a

person, who has been duly registered under section 12, to act as manager or principal of the school.

(2) Where an aggrieved person appeals against the Minister's decision under section 23-

(a) the decision of the Minister shall, notwithstanding the appeal, remain effective;

(b) the registration of the person appointed under the subsection (1) (b) shall (a) not be valid for a period extending beyond the final determination of the appeal;

(c) the aggrieved person shall continue to receive the grant to which he was entitled as manager or principal until disposal of his appeal.

(3) In this section, "aggrieved person" means a person whose registration as manager or principal has been cancelled under section 14(1).

[Note]

### **25 Appeals Tribunal**

(1) An Appeals Tribunal shall be set up by the Minister on an *ad hoc* basis.

(2) The Tribunal shall consist of a Chairman, who shall be a barrister-at-law and 2 other members to be appointed by the Minister.

(3) The Chairman and members shall hold office on such terms and conditions as the Minister may determine.

(4) There shall be a Secretary to the Tribunal who shall be a public officer designated by the Minister.

[Amended 49/92]

### **26 Procedure of Tribunal**

(1) (a) A person, in this section referred to as the appellant, wishing to appeal under section 23 shall within the period specified deliver to the Minister a statement, in duplicate, giving notice of his appeal and stating the grounds therefor, which shall be referred by the Minister forthwith to the Secretary of the Tribunal.

(b) As soon as may be after receipt thereof, the Secretary shall give to the appellant and the Minister at least 14 days notice of the date fixed for hearing the appeal.

(2) At the hearing of the appeal, the parties or their duly authorised representatives shall be entitled to be present and to be heard.

(3) The Tribunal shall have the powers of commissioners conferred by sections 10 and 11 of the Commissions of Inquiry Act.

(4) The Tribunal may determine the appeal in the absence of the Minister or the appellant provided that due notice has been given to both parties in accordance with subsection (1).

(5) Except with the consent of the Tribunal, neither the Minister nor the appellant may at the hearing rely upon any grounds other than those stated by the Minister in accordance with section 22 or by the appellant in accordance with subsection (1).

### **27 Decision of Tribunal to be communicated**

(1) The Tribunal, after hearing the parties concerned and after considering such evidence as may be tendered by them on their behalf, may confirm, set aside or modify the Minister's decision and the decision of the Tribunal shall be final.

(2) The decision of the Tribunal shall be communicated to the parties concerned together with the reasons for it not later than 6 months from the date on which the appellant gives notice of appeal.

[Note]

### **28 Powers of inspection**

The Minister or any officer of his Ministry authorised by him in writing, may, with or

without notice, visit any school, whether in receipt of aid from public funds or not, to ascertain whether this Act is being complied with and whether such school is being properly and efficiently conducted.

### **29 Power to direct remedial measures**

Where it appears to the Minister that this Act has not been complied with in any school, or that any school is not being properly and efficiently conducted, he may, without prejudice to any other powers vested in him, by notice in writing addressed to the manager direct him to take within a time to be stated in the notice, such measures as are specified therein, in order that the Act may be complied with or that the school may be properly and efficiently conducted.

### **30 No legal liability in Government**

No legal liability shall lie upon Government or the Minister or upon any Government officer in respect of any direction given under section 29 or by reason of the fact that under this Act any methods or places of instruction are subject to the approval or inspection of any Government officer, or that the conduct or staffing of any school is subject to such approval or inspection.

### **31 Offences and penalties**

Any person who –

- (a) is the owner or a manager or principal of, or teacher in a school which is not registered in accordance with section 9;
- (b) is not registered as a manager or principal of a school of which he is in fact the manager or principal;
- (c) teaches in a school unless he is a registered teacher or an uncertificated teacher authorised under section 19 to teach in that school;
- (d) employs or permits a person to teach in contravention of section 15;
- (e) knowingly or recklessly makes any statement or furnishes any information which is false in any material particular –
  - (i) in an application for registration of any nature under this Act;
  - (ii) in an application for authority to employ an uncertificated teacher;
  - (iii) as to the character or qualifications of any person in so far as such character or qualifications may affect any decision of the Minister under this Act;
  - (iv) at a meeting of the Tribunal upon the hearing of an appeal; or
  - (v) in any advertisement concerning any school;
- (f) obstructs, resists or impedes the Minister or any officer of his Ministry authorised by him under section 28 when carrying out an inspection of a school;
- (g) being a manager or a principal or a teacher refuses to produce any books or documents or to furnish any information which he is required to produce under this Act or knowingly or recklessly furnishes information which is false in any material particular;
- (h) being a manager or principal or a teacher publishes or causes to be published, by any means, any advertisement concerning a school which is not registered under this Act; or
- (i) is the owner or acts as a manager or principal or teacher of a school which is functioning after its registration has been cancelled under this Act, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500 rupees and to imprisonment for a term not exceeding 6 months.

## **PART IV – SCHOLARSHIPS**

### **32 Award of scholarships by Minister**

- (1) The Minister may award scholarships tenable locally up to a maximum number in

each category on such conditions as may be prescribed.

(2) He may withhold the award of any such scholarship where in his opinion the candidate recommended for the award has not reached scholarship standard or is not a fit and proper person to be awarded a scholarship.

### **33 State of Mauritius Scholarships**

(1) The Minister shall in accordance with regulations made under this Act, award –

(a) to boys, one scholarship which shall be known as the Sir Seewoosagur Ramgoolam National Scholarship and 8 scholarships which shall be known as the State of Mauritius Scholarships;

(b) to girls, one scholarship which shall be known as the Sir Seewoosagur Ramgoolam National Scholarship and 8 scholarships which shall be known as the State of Mauritius Scholarships.

(2) A scholarship under subsection (1) shall –

(a) be awarded on the result of a prescribed examination for which the pupils of Government schools and approved secondary schools having the prescribed qualifications shall be entitled to sit;

(b) be primarily awarded for the purpose of a first degree only;

(c) be tenable for such period as the Minister may determine to enable the laureates to pursue studies in Mauritius or in any other country approved by the Minister;

(d) be of such annual value as the Minister may approve.

(3) No person who is awarded a scholarship under subsection (1) shall be entitled to change the course of studies for which he has opted without the prior authorisation of the Minister.

(4) No scholarship shall be awarded under subsection (1) to a student who has already been awarded a scholarship by a foreign Government and has, in virtue of that scholarship, started to follow a course of study.

[Amended 28/84; 12/88; 49/92]

### **34 Grants in aid**

(1) Grants in aid from the Consolidated Fund may be made to non-Government primary or secondary schools, or to associations and societies undertaking adult or further education services, fulfilling the prescribed conditions.

(2) The provisions of the Courts (Civil Procedure) Act regulating the attachment of salaries are hereby extended to all grants in aid in respect of all schools in Mauritius, whether of primary or secondary instruction.

(3) The teachers of all schools in respect of which such grants in aid are paid may attach such grants in aid to secure payment of their salaries, and all persons who have supplied goods to such schools for educational purposes or let the premises used as schools may attach such grants in aid to secure payment of their claims.

### **35 State supported schools open to all**

All Government schools and all schools in receipt of a regular grant in aid from Government funds shall be open to pupils of any race or religion.

## **PART V – MISCELLANEOUS**

### **36 Power to close schools temporarily**

The Minister may order any school to be closed for an indefinite period in case of infectious diseases occurring in epidemic forms, or to enable necessary repairs to be made to school buildings, or in other exceptional circumstances.

### **37 Compulsory primary education**

(1) Every child who has attained such age as may be prescribed for admission to a primary school shall attend a primary school.

(2) Where the responsible party of a child referred to in subsection (1), without

reasonable cause, refuses or neglects to cause the child to attend primary school regularly, he shall commit an offence and shall, on conviction, be liable to a fine not exceeding 3000 rupees and to a term of imprisonment not exceeding 2 years.

[Amended 10/91]

### **37A Control of private tuition.**

(1) Subject to subsection (2), no person shall provide to a student who is attending school a course of study of an academic nature of whatever duration on a subject which is being taught to that student at school –

(a) in the case of a child who is attending primary school, where he has not reached standard IV;

(b) in any other case, except on such conditions as may be prescribed.

(2) Subsection (1) shall not apply to –

(a) the teaching of an oriental language;

(b) the provision of religious education by a school registered under this Act.

(3) Any person who contravenes this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 2000 rupees and to a term of imprisonment not exceeding two years.

[Added 10/91]

### **38 Regulations**

(1) The Minister may make regulations generally for the purposes of this Act and, in particular, but without prejudice to the generality of his powers, for –

(a) the administration and management of all educational institutions;

(b) the structure, hygienic character and proper sanitation of schools and school premises;

(c) the inspection of schools and school premises;

(d) the adequacy, suitability and use of school equipment, laboratories and workshops;

(e) the appointment, duties, dismissal and disciplinary control of school managers;

(f) the recognition of, assistance to, and powers of, Education Authorities;

(g) the qualifications, appointment, secondment, promotion, dismissal and disciplinary control of qualified teachers, uncertificated teachers and other persons employed in schools;

(h) the medical examination of teachers and of other persons employed in schools and pupils;

(i) the control of instruction given in schools, including methods and hours of instruction and size of classes;

(j) school admissions and withdrawals;

(k) discipline in schools and methods of enforcement;

(l) the award of scholarships;

(m) the fees and charges payable in regard to matters provided by this Act;

(n) the conditions for grant in aid to non-Government institutions;

(o) school meals, supply of milk and dental and medical care for school children.

(2) Regulations made under subsection (1) may provide that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees.

### **39 Power of Minister to make rules**

Subject to any regulations made under section 38, the Minister may make rules relating to –

(a) any matter which he may provide or approve under this Act or the regulations made under it;

- (b) the registration of schools' managers, principals and teachers;
- (c) the administration and management of and discipline in all Government schools, and the Mauritius Institute of Education;
- (d) the holding of examinations;
- (e) the books and registers to be kept and the returns to be made by all schools;
- (f) the time-table and curricula of schools in receipt of public funds;
- (g) the tuition fees in schools;
- (h) the transfer of pupils from one school to another;
- (i) the extent of private tuition by teachers wholly paid from public funds;
- (j) the training of teachers;
- (k) the duration of holidays in schools;
- (l) the issue of certificates.

[P19/92]

## SCHEDULE

### FORM 1

(section 9)

Application for registration of a school

Address ...

Date ...

Permanent Secretary,

Port Louis.

I wish to open a school, particulars of which are set out below, and request that it may be registered and a certificate of registration be issued

Signed ...

Particulars

1 (a) Proposed name of school ...

(b) Proposed address of school ...

\* (c) (i) day school

(ii) evening school

(iii) part-time school

\* (d) (i) for boys only

(ii) for girls only

(iii) coeducational.

(e) Particulars of teachers it is proposed to employ –

Name	Qualifications	Proposed Salary
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\* (f) The school premises –

(i) belong to applicant

(ii) are leased

(g) If the premises are leased, name and address of –

(i) lessor

(ii) lessee

(h) Sources of revenue (eg endowment, fees, subscriptions)

(i) If fees are to be charged, give details here according to class or form.

.....  
 .....

2 • I attach an application for registration as manager of the school.

3 I attach copies of the certificates of registration of the following teachers –

.....  
 .....

4 ■ I attach applications to employ the following uncertificated persons as teachers –

.....

- .....
- 5 I attach plan or diagram of the school premises (with dimensions).
  - 6 I attach the proposed syllabus of each class.
  - 7 I attach the proposed school time-table.
  - 8 The contents of these particulars and attached documents are true to the best of my knowledge, information and belief.

Signed

...

\* delete whichever is inapplicable

\_ to be completed on Form 3.

\_ to be completed on Form 4.

**FORM 2**

(section 9)

File No ...

Certificate of registration of school

This is to certify that the undermentioned school has been provisionally registered/registered under the Education Act on the basis of the information supplied by ... in his application dated the ...

Registered name of school ...

Address ...

.....

Permanent Secretary

Port Louis

...20...

**FORM 3**

(section 12)

Application form for registration of a manager or a principal of a school

Address ...

Date ...

Permanent Secretary,

Port Louis.

School ...

Address ...

1 I submit particulars of, and request you to register me as manager or principal of the above-mentioned school.

2 \*Particulars –

(a) Name

(b) Address

(c) Date of birth

(d) Occupation

(e) Educational qualifications

3 •The following persons may be referred to, as to my character and suitability to become a manager or a principal.

(a) Name ... Address ...

(b) Name ... Address...

.....

Signature of applicant

■We declare that the applicant –

(a) is resident in Mauritius

(b) is a person of good character

(c) is able to carry out the duties of manager or principal of ..... School, and he is familiar with the Education Act and the regulations made under it.

The contents of this application are true to the best of our knowledge, information and belief.

Signed ...

Signed ...

**FORM 4**

(section 16)

Application for registration as a teacher

Address ...

Date ...

Permanent Secretary,

Port Louis.

1 I submit particulars of myself and request you to register me as a teacher and to issue me with a certificate of registration.

2 Particulars –

(a) Full name ...

(b) Sex ...

(c) Married or single ...

(d) Date of birth ...

(e) Full present address ...

(f) Where educated with dates ...

School From To

(g) Educational qualifications ...

(h) Previous teaching experience ...

3 I attach –

(a) 2 signed photographs of myself

(b) my educational certificates.

4 The following persons may be referred to as to my character –

(a) Name ... Address ...

(b) Name... Address ...

.....

Signature of applicant

■ We declare that the applicant is a person of good character and that the contents of this application are true to the best of our knowledge, information and belief.

Signed ...

Signed ...

**FORM 5**

(section 16)

Certificate of registration as a qualified teacher

This is to certify that ... whose photograph is affixed hereto has been registered as a qualified teacher under the Education Act.

Photograph

of

Holder

.....

Permanent Secretary

Port Louis

...20...

**FORM 6**

(section 19)

Application for authority to employ an uncertificated teacher

Address ...

Date ...

Permanent Secretary,  
Port Louis.

1 I hereby request authority to employ as an uncertificated teacher at  
2 I submit particulars of him/her and request you to issue an authority under section 19 of  
the Education Act.

3 Particulars –

- (a) Full name
- (b) Sex
- (c) Date of birth
- (d) Present address
- (e) Where educated, with dates (an original school leaving certificate must be submitted)

School From To

- (f) Educational qualifications (all original certificates must be submitted)

School Certificate

General Certificate of Education

- (g) Previous teaching experience

School From To

- (h) 2 passport size photographs.

4 In my opinion there is no suitable qualified teacher available for employment.

... Manager.

... School.

**FORM 7**

(section 19)

Authority to employ an uncertificated teacher.

The Manager,

.....School

(Copy to.....the teacher).

Authority is given you, on the conditions specified below, to employ.....as  
an uncertificated teacher of.....School, subject to satisfactory  
medical examination.

Conditions

Photograph

of

Holder

.....

Permanent Secretary,

Ministry of Education

.....19.....

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