CHAPTER 46

EDUCATION

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CHAPTER 46

EDUCATION

An Act to consolidate and amend the law relating to education within the Bahama Islands.

15 of 1962
26 of 1963
57 of 1963
56 of 1965
8 of 1968
30 of 1968
15 of 1970
E.L.A.O., 1974
5 of 1987
21 of 1996

[Assent 23rd May, 1962]
[Commencement 1st September, 1962]

1. This Act may be cited as the Education Act. Short title.

2. (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say — Interpretation.

"alterations" in relation to any school premises, includes any improvements or enlargements which do not amount to the establishment of a new school;

"assist" in relation to any school or institution has the meaning assigned to it by subsection (2) of this section;

"child" means a person who is not over compulsory school age;

"compulsory school age" has the meaning assigned to it by section 22 of this Act;

"contract service" means employment in the public service of The Bahamas for a fixed period of time whether or not such employment is renewable on expiration of such fixed period of time; *21 of 1996, s. 2.*

"Council" means the National Advisory Council for Education established under section 7 of this Act; *21 of 1996, s 2.*

"Department" means the Department of Education established under section 5 of this Act;

"Director" means the Director of Education referred to in section 5 of this Act;

"exempt school" means a school referred to in the Second Schedule to this Act;

"further education" has the meaning assigned to it by section 27 of this Act;

"independent school" means any school at which full-time education is provided for five or more pupils of compulsory school age (whether or not such education is also provided for pupils under or over that age), not being a school maintained by the Minister;

15 of 1970, s. 2.

"institution for the provision of further education" has the meaning assigned to it by section 29 of this Act;

"maintain" in relation to any school or other educational establishment has the meaning assigned to it by subsection (2) of this section;

"medical inspection" means inspection by or under the direction of a medical officer employed or engaged, whether regularly or for the purpose of a particular case, by the Minister or the Minister of Health;

57 of 1963, s. 17.

"medical officer" means a duly qualified medical practitioner employed or engaged, whether regularly or for the purposes of any particular case, by the Minister or the Minister of Health;

"medical treatment" includes assessment, examination and treatment by any duly qualified medical practitioner;

21 of 1996, s. 2.

"Minister" means the Minister responsible for Education;

E.L.A.O., 1974.

"parent", in relation to any child or young person, includes a guardian and every person who has the actual custody of a child or young person;

"premises", in relation to any school, includes any detached playing fields, but, except where otherwise expressly provided, does not include a teacher's dwelling house;

"primary education" has the meaning assigned to it by section 12 of this Act;

"primary pupil" means a child who has not attained the age of twelve years; *21 of 1996, s. 2.*

"primary school" means, subject to the provisions of subsection (3) of this section, a school for providing primary education;

"proprietor", in relation to any institution for the provision of further education or school, means the person or body of persons responsible for the management of the institution for the provision of further education or school, and for the purposes of the provisions of this Act relating to applications for the registration of independent schools, includes any person or body of persons proposing to be so responsible; *15 of 1970, s. 2.*

"pupil", where used without qualification, means a person of any age for whom education is required to be provided under this Act;

"registered pupil" means, in relation to any school, a pupil registered as such in the register kept in accordance with the requirements of this Act, but does not include any child who has been withdrawn from school in the prescribed manner;

"registered school" means an independent school registered in the register of independent schools, whereof the registration is final;

"regulations" means regulations made by the Minister under the provisions of this Act; *57 of 1963, s. 17.*

"school" means an institution for providing primary or secondary education or both primary and secondary education being a school maintained by the Minister or an independent school, and the expression "school" where used without qualification shall include any such school or all such schools as the context may require;

"school year" shall have the meaning assigned to it in section 10 of this Act;

"secondary education" has the meaning assigned to it by section 12 of this Act;

"secondary pupil" means a person who has attained the age of twelve years but has not attained the age of nineteen years; *21 of 1990, s. 2.*

"secondary school" means, subject to the provisions of subsection (3) of this section, a school for providing secondary education;

"special educational treatment" has the meaning assigned to it by subsection (2)(c) of section 12 of this Act;

"special school" means a school, set aside for that purpose, wherein special educational treatment is provided for pupils suffering from any disability of mind or body;

"statutory educational system" means the educational system established, maintained or operated by the Minister under the provisions of this Act;

21 of 1996, s. 2.

"trained teacher" means a teacher, senior teacher, master teacher or senior master or senior mistress who is classified by the Minister as being qualified academically and professionally and is the holder of a certificate issued by the Minister in that behalf;

"young person" means a person over compulsory school age who has not attained the age of nineteen years.

(2) For the purposes of this Act —

(a) the duty of the Minister to maintain a school or other educational establishment shall include the duty of defraying all the expenses of maintaining the school or other educational establishment;

(b) where the Minister makes to the proprietor of any school or other educational establishment which is not maintained by the Minister, any grant in respect of the school or other educational establishment, or any payment in consideration of the provision of educational facilities thereat, the school or other educational establishment shall be deemed to be assisted by the Minister.

(3) So long as any school is used for providing both primary and secondary education, references in this Act to primary schools shall be construed as including references to that school, and references therein to secondary schools shall be construed as excluding any reference thereto:

Provided that where the primary education provided in any such school is provided in a separate department, the Minister may direct that for purposes of this Act the school shall be deemed to be a secondary school, and such references as aforesaid shall be construed accordingly.

(4) For the purposes of this Act, a pupil in attendance at a school who attains any age during the term of the school shall be deemed not to have attained that age until the end of the term.

PART I
CENTRAL ADMINISTRATION

Duties and responsibilities of the Minister.

3. (1) The duties of the Minister shall be to promote the education of the people of The Bahamas by the progressive development, in so far as the resources of the Minister permit, of schools and other educational establishments devoted to that end.

(2) The purpose of such development shall be to enable the children of The Bahamas to understand their privileges and responsibilities as members of the community, to contribute to the progress and well-being of The Bahamas by the full development of their natural abilities, and to earn an adequate livelihood as adults.

Powers of the Minister.
21 of 1996, s. 3.

4. The Minister shall have the Superintendence, direction and control of all primary, secondary and further education in The Bahamas which is wholly maintained from Government funds, and may, for these purposes, by Order designate any group of secondary or primary schools in New Providence, or any Family Island, groups of Family Islands or a part of a Family Island as a School District.

(2) Subject as hereinafter provided, the Minister shall have the superintendence and general oversight of all other primary, secondary and further education in The Bahamas.

(3) The Minister shall have authority, in so far as his resources permit, to establish, administer or discontinue those institutions and ancillary services required by the statutory educational system, and to make such regulations in this behalf as he may deem necessary from time to time.

57 of 1963, s. 4.

(4) Any immovable property which immediately prior to the 7th day of January 1964, vested in the Board of Education shall upon such date vest in the Treasurer who shall hold the same in trust for Her Majesty in right of Her Government of The Bahamas for the purposes of this Act.

(5) Any movable property so vested in the said Board shall on the said date vest in the Minister for the purposes of this Act.

Establishment of Department of Education.
21 of 1996, s. 4.

5. There shall be established a Department of Education which shall comprise a Director of Education, Deputy Directors, Assistant Directors, District Superintendents and such other officers as may from time to time be authorised by Parliament.

Duties of Director.
21 of 1996, s. 5.

6. The Director shall be responsible for the organization and administration of the Department and shall be the professional adviser and technical executive officer of the Minister.

Establishment of National Advisory Council.
21 of 1996, s. 6.

7. (1) There shall be established a National Advisory Council for Education for the purpose of making available to the Minister advice on educational matters from the general public and from educational bodies and institutions outside the statutory educational system:

E.L.A.O., 1974.

Provided that nothing in this section shall preclude the appointment by the Minister, or by the Director of such special advisory committees on educational matters as may be deemed necessary from time to time.

E.L.A.O., 1974.

(2) The Council shall consist of eleven members to be appointed by the Minister, and the Minister shall appoint a member of the Council to be Chairman thereof.

57 of 1963, s. 6.
21 of 1996, s. 6.

(3) The Director shall appoint an officer of the Department of Education to be the Secretary to the Council.

Duties of Council.
21 of 1996, s. 7.

8. It shall be the duty of the Council to advise the Minister upon such matters connected with education as it thinks fit, and upon any matters referred to it by the Minister.

Meetings of Council.

9. The Minister may by rules make provision for the term of office and conditions of retirement of members of the Council, but subject to the provisions of any such rules, the meetings and procedure of the Council shall be such as may be determined by that Council.

Annual Report.

57 of 1963, s. 8; E.L.A.O., 1974.

10. (1) The Minister shall lay on the table of each House of Parliament during the month of December or as soon as practicable thereafter in every year a report describing the work of his Ministry and the state of education generally in The Bahamas during the school year immediately preceding, together with statements showing the expenditure incurred by the Ministry on the various forms of educational work during that year in accordance with the provisions of this Act.

(2) For the purposes of this section, a school year shall be deemed to be the period from the first day of September in any calendar year to the thirty-first day of August of the succeeding calendar year.

PART II
THE STATUTORY SYSTEM OF EDUCATION

The Three Stages of the System

Stages and purpose of statutory system of education.

11. The statutory educational system shall be organized in three progressive stages to be known as primary education, secondary education and further education; and it shall be the duty of the Minister, so far as his resources permit, to contribute towards the spiritual, moral, mental and physical development of the community by ensuring that efficient education throughout these stages shall be available to meet the needs of the population.

Provision and Maintenance of Primary and Secondary Schools

Duty of Minister to secure provision of primary and secondary schools.
21 of 1996, s. 8.

12. (1) It shall be the duty of the Minister to ensure that there shall be available in The Bahamas sufficient schools —

(a) for providing primary education, that is to say, full-time education suitable to the ages, abilities and aptitudes of primary pupils; and

21 of 1996, s. 8.

(b) for providing secondary education, that is to say, full-time education suitable to the needs of secondary pupils, other than such full-time education as may be provided in pursuance of a scheme made under the provisions of this Act relating to further education.

The schools provided under this section shall afford, in so far as the Minister's resources permit, opportunities to all pupils for education offering the variety of instruction and training desirable in view of their different ages, abilities and aptitudes, and of the different periods for which they may be expected to remain at school, including practical, technical and vocational instruction and training appropriate to their respective needs.

(2) In discharging his duties under this section, the Minister shall, in so far as his resources permit, have regard to —

(a) the need for ensuring that primary and secondary education are provided in separate schools;

21 of 1996, s. 8.

(b) the need for ensuring the provision of accommodation for those pupils from the Family Islands for whom education outside their home district is considered by the Minister and by their parents to be desirable;

(c) the need for ensuring that provision is made for pupils who suffer from any disability of mind or body by providing, in special schools or otherwise, special educational treatment, that is to say, education by special methods appropriate for persons suffering from that disability; and

21 of 1996, s. 8.

(d) the desirability of making provision for pupils who have not attained the age of five years by providing for the overall establishment, administration and supervision of preschools.

Provided that paragraph (a) of this subsection shall not have effect in regard to special schools.

Powers of Minister to establish, maintain, or assist primary and secondary schools.
21 of 1996, s. 9.

13. (1) For the purpose of discharging his duties under this Act, the Minister shall have power to —

(a) establish, maintain, or discontinue primary and secondary schools (other than exempt schools);

(b) maintain such schools whether originally established by the Minister, or not; and

(c) assist any school which is not maintained by the Minister, including all independent schools and exempt schools.

(2) Subject to the provisions of section 52 of this Act, the conditions under which assistance may be given to primary or secondary schools not maintained by the Minister, and the form and method of applications for such assistance, save as hereinafter provided, shall be set forth in regulations made under this Act:

Provided that the amount of any grant-in-aid payable to any secondary school immediately before the coming into operation of this Act, shall not be reduced by regulations made under this subsection without due notice and without the opportunity being given to such school to comply with the regulations made under this section of this Act.

Management of Primary Schools and Secondary Schools *21 of 1996, s. 10.*

School Boards. *21 of 1996, s. 11.*

14. (1) The Minister may for every school maintained by him establish a School Board which shall consist of not less than three members and not more than nine members:

Third Schedule.

Provided that for each school specified in the Third Schedule there shall be a School Board which shall consist of nine members.

(2) The members of a School Board shall be citizens of The Bahamas eighteen years of age and over elected by parents or guardians of children attending the school in such a manner as may be prescribed by the Minister. Members shall be elected for a period of three years at a time. For the purpose of electing members, the Principal of a school shall maintain a register of parents and guardians whose children attend the school. The Chairman of the School Board shall be elected by the members of the School Board.

(3) Where no School Board is established, each Council of a local government district shall make provision for the maintenance and upkeep of public school buildings and their environs.

(4) The Instrument of Management providing for the constitution and procedure of the School Board shall be that set forth in Part I of the First Schedule to this Act.

First Schedule.

(5) The Articles of Management providing for the general administration of the school and for the relations between the Minister, the School Board and the Principal shall be those set forth in Part II of the First Schedule to this Act.

First Schedule.

(6) For the purposes of this section the term "school" shall include those Family Island schools which, by reason of local conditions, may have on their rolls a number of secondary pupils.

Secular Instruction and Appointment and Dismissal of Teachers in Maintained and Assisted Schools

Secular instruction in maintained and assisted schools. *21 of 1996, s. 13.*

15. In every maintained school the secular instruction given to the pupils shall, except in so far as may be otherwise provided by the instrument of Management and Articles of Management, as the case may be, of the school, be under the control of the Minister.

(2) The secular instruction given to the pupils in every assisted school, save in so far as may be otherwise provided by the conditions in accordance with which assistance is granted to the school, shall be under the control of the proprietors of the school.

(3) The power to control the secular instruction provided in any school shall include power to determine the times at which the school session shall begin and end in any day, to determine the times at which the school terms shall begin and end, and to determine the school holidays, and to require that pupils in attendance at the school shall attend any class not conducted on the school premises for the purpose of receiving instruction or training included in the secular curriculum of the school.

Contracts, etc of Board of Education. *57 of 1963, s. 12.*

16. All contracts and appointments made by the Board of Education which were valid and subsisting immediately prior to the seventh day of January 1964, shall thereafter be deemed to have been made by the Minister for and on behalf of the Government of The Bahamas.

Religious Education in Maintained Schools

General provisions for religious education in maintained schools.

17. (1) Subject to the provisions of this section, the school day in every maintained school shall begin with collective worship on the part of all pupils in attendance at the school, and the arrangements made therefor shall provide for a single act of worship attended by all pupils unless the school premises are such as to make it impossible to assemble them for that purpose.

(2) Subject to the provisions of this section, religious instruction shall be given in every maintained school.

(3) It shall not be required, as a condition of any pupil attending any maintained school, that he shall attend or abstain from attending any Sunday school or any place of religious worship.

(4) If the parent or guardian of any pupil in attendance at any maintained school requests in writing that he be excused from attendance at religious worship or religious instruction at the school, or from both, then, until the request is withdrawn, the pupil shall be excused from such attendance accordingly:

Provided that excuse from such attendance shall not alter the pupil's liability to come to school at the starting time or to remain there during normal school hours.

Special provisions as to religious education in maintained schools.

18. (1) The collective worship required by subsection (1) of section 17 shall not in any maintained school be distinctive of any particular religious denomination, and the religious instruction given to pupils in any such school shall be given in accordance with a syllabus prescribed by the Minister and shall not include any catechism or formulary which is distinctive of any particular religious denomination.

(2) No teacher in any maintained school shall be required to give the religious instruction prescribed by the Minister, if such teacher conscientiously and *bona fide* objects to give such instruction on religious grounds.

Religious education in schools other than maintained schools.

19. The religious instruction given to pupils in attendance at all schools other than maintained schools shall be under the control of the proprietors of such schools.

Primary and Secondary Education of Pupils Requiring Special Education Treatment

Education of pupils requiring special educational treatment.

20. (1) Regulations shall be made defining the several categories of pupils requiring special educational treatment and making provision as to the special methods appropriate for the education of pupils of each category.

(2) Arrangements made by the Minister for the special educational treatment of pupils of any such category shall, in so far as the resources of the Minister permit, provide for the education of pupils with serious disabilities in special schools, or where the disability is not serious, the arrangements may provide for the giving of such education in any school maintained by the Minister:

Provided that, in cases where facilities for special educational treatment do not exist, the Minister shall not be obliged to accept into any maintained school a pupil with a disability of body or mind, where the acceptance of such pupil would, in the view of the Minister, adversely affect the education of other pupils in attendance at the school.

(3) The regulations made under this section with respect to special schools shall secure that, as far as practicable, every pupil in attendance at any such school shall attend religious worship and instruction, or shall be withdrawn from such religious worship and instruction in accordance with the wishes of his parent or guardian.

Minister to ascertain what children require special educational treatment

21. (1) It shall be the duty of the Minister to ascertain, in so far as his resources permit, what children require special educational treatment; and, for the purpose of fulfilling that duty, any officer of the Department of Education may, by notice in writing served upon the parent of any child who has attained the age of five years, require him to submit the child for examination by a Government medical officer for advice as to whether the child is suffering from any disability of mind or body and as to the nature and extent of such disability; and if a parent upon whom such a notice is served, fails without reasonable excuse to comply with the requirements thereof, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty dollars.

21 of 1996, s, 14.

(2) If the parent of any child who has attained the age of five years requests the Minister to cause the child to be so medically examined as aforesaid, the Minister shall comply with the request unless in the opinion of the Minister the request is unreasonable.

Compulsory Attendance at Primary and Secondary Schools

22. In this Act the expression "compulsory school age" means any age between five years and sixteen years. Compulsory school age. *21 of 1996, s. 15.*

(2) No pupil who has not attained the age of five years shall be admitted into any maintained school save a pre-school. *21 of 1996, s. 15.*

(3) No pupil who has attained the age of sixteen years shall be required to leave any maintained school unless he is incapable of benefiting from the types of education and instruction available: *21 of 1996, s. 15.*

Provided that, save in exceptional circumstances and with the approval of the Director, no pupil shall be permitted to continue attending a secondary school maintained by the Minister after the age of nineteen years.

23. (1) It shall be the duty of the parents of every child of compulsory school age to cause him to receive full-time education suitable to his age, ability and aptitude, by regular attendance at school or otherwise. Duty of parents to secure the education of their children.

(2) The provisions relating to the compulsory attendance of children at school may be carried out by officers appointed by the Governor-General acting in accordance with the advice of the Public Service Commission, in that behalf under this Act. *E.L.A.O., 1974.*

(3) Officers appointed under subsection (2) of this section shall have the powers, authorities, privileges and protection conferred upon constables at common law or by any Act.

(4) Such officers may enter with the permission of the parent or guardian any place between the hours of 8 a.m. and 5 p.m. of any day except Sunday for the purpose of making such enquiries and discharging such other duties as may be imposed upon them by the Minister under the provisions of this Act or any regulation made under the provisions of this Act.

(5) Any person who —

(a) obstructs or resists any such officer in the performance of his duties; or

(b) wilfully makes any false representation to any such officer with respect to the age of any child; or

(c) wilfully refuses to furnish to such officers, any information which such officers may require in the execution of their duties,

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

21 of 1996, s. 16.

School attendance orders.

24. (1) If it appears to the Minister that the parent of any child of compulsory school age is failing to perform the duty imposed upon him by section 23, it shall be the duty of the Minister to serve upon the parent a notice requiring him, within such time as may be specified in the notice not being less than fourteen days from the service thereof, to register the child at a school registered under this Act, or an exempt school, or to satisfy the Minister that the child is otherwise receiving efficient full-time education suitable to his age, ability and aptitude.

(2) If after such a notice has been served upon a parent, the parent fails to satisfy the Minister in accordance with the requirements of the notice that the child is receiving efficient full-time education suitable to his age, ability and aptitude, then, if in the opinion of the Minister it is expedient that he attend school, the Minister shall serve upon the parent an order in the prescribed form (hereinafter referred to as a "school attendance order") requiring him to cause the child to become a registered pupil at a school named in the order.

(3) If at any time while a school attendance order is in force with respect to any child, the parent of the child makes application to the Minister requesting that another school be substituted for that named in the order, by reason of the removal of the child's family, or if in the opinion of the Minister it is desirable that the child be transferred to another school, then the Minister may accordingly amend or revoke the order.

(4) If any person upon whom a school attendance order is served fails to comply with the requirements of the order, he shall be guilty of an offence against this section, unless he proves to the satisfaction of the Minister that he is causing the child to receive efficient full-time education suitable to his age, ability and aptitude otherwise than at school.

(5) A school attendance order made with respect to any child shall, subject to any amendment thereof which may be made by the Minister, continue in force as long as the child is of compulsory school age, unless revoked by the Minister.

Duty of parents to secure regular attendance of registered pupils.

25. (1) If any child of compulsory school age who is a registered pupil at a school fails to attend regularly thereat, the parent of the child shall be guilty of an offence against this section.

(2) In any proceedings for an offence against this section, the child shall not be deemed to have failed to attend regularly at the school by reason of his absence therefrom with leave or —

(a) at any time when he was prevented from attending by reason of sickness or any 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 at which the child is a registered pupil is not within the walking distance from the child's home, which shall be specified by regulation of the Minister, and that no suitable arrangements have been made by the Minister either for his transport to and from the school or for enabling him to become a registered pupil at a school nearer to his home.

21 of 1996, s. 17.

(3) Where in any proceedings for an offence against this section it is proved that the child has no fixed abode, paragraph (c) of subsection (2) shall not apply, but if the parent proves that he is engaged in any trade or business which requires him to travel from place to place, and that the child has attended at a school at which he was a registered pupil as regularly as the nature of the trade or business permits, the parent shall be acquitted:

Provided that, in the case of a child who has attained the age of six years, the parent shall not be entitled to be acquitted under this subsection unless he proves that the child had made at least 200 attendances during the period of 12 months ending with the date of which proceedings were instituted.

(4) In this section, the expression "leave" in relation to any school means leave granted by any person authorised in that behalf by the managing authority of the school, and the expression "walking distance" means, in relation to a child who has not attained the age of eight years two miles, and in the case of any other child three miles, measured by the nearest available route.

Penalties for offences under sections 24 and 25.

21 of 1996, s. 18.

26. (1) Subject to the provisions of this section, any person guilty of an offence against section 24 or section 25 of this Act shall be liable on summary conviction to a fine not exceeding fifty dollars, in the case of a second offence against such section to a fine not exceeding seventy-five dollars, and in the case of a third or subsequent offence against such section to a fine not exceeding one hundred dollars, or to imprisonment for a term not exceeding one month, or to both such fine and such imprisonment.

(2) It shall be the duty of the Minister to institute proceedings for such offences as aforesaid whenever, in his opinion, the institution of such proceedings is necessary for the purpose of enforcing the duty imposed upon a parent by this Act to cause his child to receive efficient full-time education suitable to his age, ability and aptitude, and no such proceedings shall be instituted except by or on behalf of the Minister.

(3) Where the court before which a prosecution is brought for an offence against section 25 is satisfied that the child in respect of whom the offence is alleged to have been committed has failed to attend regularly the school at which he is a registered pupil, then, whether or not the parent is convicted, the court may direct that the child be brought before a juvenile court by the Minister, and such court may, if it is satisfied that it is necessary to do so for the purpose of securing the regular attendance of the child at school, make any order that such court has power to make under section 50 of the Children and Young Persons (Administration of Justice) Act.[1]

Ch. 97.

[1] Repealed by section 154 of No. 1 of 2007.

(4) Where proceedings have been instituted for an offence against section 25 alleged to have been committed in respect of any child, and it appears to the officer by whom proceedings were instituted on behalf of the Minister that there is reasonable cause to believe that the punishment of the parent would not be sufficient to secure the regular attendance of the child at school, it shall be his duty to apply to the court for a direction under subsection (3) of this section; and where such an application is made, such a direction shall be given unless the court is satisfied that no such direction is necessary for the purpose aforesaid.

Further Education

General duties of Minister in respect of further education.

27. It shall be the duty of the Minister, in so far as his resources permit, to secure the provision of adequate facilities for further education, that is to say —

(a) full-time and part-time education for persons over compulsory school age;

(b) leisure-time occupation, in such organized cultural training and recreative activities as are suited to their requirements, for any persons over compulsory school age who are able and willing to profit by the facilities provided for that purpose; and

(c) technical education.

Power of Minis ter to establish centres for further education.

28. (1) For the discharge of the duty imposed upon him by section 27, the Minister shall have power to establish and conduct such institutions of further education as he may deem necessary, and regulations may be made as to the maintenance, government and conduct of such institutions and as to the further education given therein.

(2) Nothing in subsection (1) of this section contained shall preclude the Minister from providing, outside of such institutions or in association with existing schools or other educational establishments, such special classes or courses for persons over compulsory school age as he may deem necessary from time to time with the purpose of providing such physical, practical, vocational or academic training as

will enable them to develop their various aptitudes and capabilities and will prepare them for the responsibilities of citizenship.

Control of other institutions for further education.

29. (1) No person shall without the consent of the Minister establish or conduct or continue to conduct within The Bahamas any institution for the provision of further education and the Minister may refuse his consent thereto in any case unless he is satisfied that —

8 of 1968, s. 2.

(a) the courses of further education to be provided at such institution will be of educational, cultural, economic or other benefit to The Bahamas;

(b) the courses of further education to be provided at such institution will afford tuition of an appropriate standard by fully qualified instructors;

(c) the establishment and conduct of such institution is in the best interests of those members of the public likely to resort thereto; and

(d) the establishment and conduct of such institution is in the best interests of the public generally.

(2) The Minister shall cause a register to be maintained of every institution for the provision of further education established or conducted under the provisions of this section, which shall contain such particulars thereof as the Minister may direct.

(3) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable on summary conviction in the case of a first offence to a fine not exceeding one hundred and fifty dollars or in the case of a second or subsequent offence to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment, and any principal, professor, lecturer, teacher or other person who lectures, teaches or gives instruction in any institution knowing it to be established or conducted in contravention of subsection (1) of this section, shall be guilty of a like offence and shall be liable on summary conviction to the like penalties.

15 of 1970, s. 4.

(4) If at any time the Minister is satisfied that any institution for the provision of further education is objectionable upon all or any of the following grounds —

(a) that the courses of further education being provided at such institution are not of educational, cultural, economic or other benefit to The Bahamas;

(b) that the courses of further education being provided at such institution do not afford tuition of an appropriate standard by fully qualified instructors;

(c) that the establishment and conduct of such institution is not in the best interests of those members of the public likely to resort thereto;

(d) that the establishment and conduct of such institution is not in the best interests of the public generally,

the Minister shall serve upon the proprietor of the institution a notice stating the grounds of complaint together with full particulars of the matters complained of, and the notice shall specify the measures necessary in the opinion of the Minister to remedy the matters complained of, and shall specify the time within which such measures are required to be taken.

15 of 1970, s. 4.

(5) Where a proprietor of an institution for the provision of further education has been served with a notice under subsection (4) of this section and fails, within the time specified in such notice to take the measures necessary in the opinion of the Minister to remedy the matters complained of, the Minister may forthwith revoke his consent given in pursuance of subsection (1) of this section in respect of such institution.

15 of 1970, s. 4.

(6) Where the Minister revokes his consent in respect of any institution for the provision of further education in pursuance of this section, he shall by notice in writing inform the proprietor of such revocation, and the proprietor of the institution may within twenty-eight days from the date of such notice appeal therefrom in such manner as may be prescribed by rules made under section 76 of the Supreme Court Act.

Ch. 53.

15 of 1970, s. 4.

(7) Regulations may be made prescribing the particulars of institutions for the provision of further education to be furnished to the Director, and such regulations may provide for the notification to the Director of any changes in the particulars so furnished, and as to the circumstances

in which the Minister may revoke his consent to the conduct within The Bahamas of any such institution in the event of the Director being unable to obtain sufficient particulars thereof.

(8) For the purpose of this section the expression "institution for the provision of further education" means any university, college, school or other organised institution in or by which courses in further education are conducted.

Use of word "university", etc. 30 of 1968, s. 2.

30. (1) No person shall —

(a) use the expression "university" in the description or title under which such person is conducting any college, school or other educational institution within The Bahamas; or

(b) make whether directly or indirectly any representation in any letter, letterhead, circular, paper, notice or advertisement, or by any other means whatsoever whether similar to the foregoing or not, that such person is conducting a university within The Bahamas; or

(c) grant to, or confer upon, any person any degree, diploma or other academic distinction expressed or purporting to be a degree, diploma or other academic distinction granted or conferred by a university conducted within The Bahamas,

unless such college, school, educational institution or university, as the case may be, shall have been incorporated either by charter granted by Her Majesty the Queen or by or under some enactment regulating the establishment of a university or universities in The Bahamas.

(2) Any person who contravenes the provision of subsection (1) of this section shall be guilty of an offence and shall be liable on summary conviction in the case of a first offence to a fine not exceeding one hundred and fifty dollars or, in the case of a second or subsequent offence, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Supplementary Provisions as to Primary, Secondary and Further Education

Medical inspection and treatment of pupils.

31. (1) It shall be the duty of the Minister, in collaboration with the Minister responsible for Health and in so far as the resources of the Minister and the Minister responsible for Health shall permit, to provide for the medical inspection, at appropriate intervals, of pupils in attendance at any school or other educational establishment maintained by the Minister.

57 of 1963, s. 13.

(2) For the purpose of securing the proper medical inspection of pupils in attendance at any school or other educational establishment, any Government officer authorised in that behalf by the Minister may require, by notice in writing, the parent of any pupil in attendance at such school, to submit the pupil for medical inspection in accordance with arrangements made by the Minister and may require any pupil in attendance at any other educational establishment to submit to such inspection; and any person who fails without a reasonable excuse to comply with any such requirements shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding seventy-five dollars.

21 of 1996, s. 19.

(3) It shall be the duty of the Minister to make arrangements for encouraging and assisting pupils to take advantage of such facilities for medical treatment as may be made available by Government from time to time:

Provided that if the parent of any pupil gives to the Minister notice that he objects to the pupil availing himself of any medical treatment provided under this section, the pupil shall not be encouraged or assisted to do so.

(4) The Minister is empowered to make regulations for the implementation of the provisions of this section.

Provision of facilities for recreation and social and physical training.

32. (1) It shall be the duty of the Minister, in so far as his resources permit, to secure that the facilities for primary and secondary education provided by him include adequate facilities for recreation and social and physical training, and for that purpose he may establish, maintain and manage, or assist the establishment, maintenance and management of camps, holiday classes, playing fields, play centres, playgrounds, gymnasiums and other places

whether appropriate to any school or other educational establishment or not at which facilities for recreation and for such training as aforesaid are available for persons for whom primary, secondary or further education is provided by the Minister, and may organize games, expeditions and other activities for such persons, and may defray or contribute towards the expenses thereof.

(2) The Minister, in making arrangements for the provision of facilities, or the organization of activities under the powers conferred on him by subsection (1) of this section shall, in particular, have regard to the expediency of co-operating with any voluntary societies or bodies whose objects include the provision of facilities for or the organization of activities of a similar character.

Power to ensure cleanliness.

33. (1) The Minister may, by directions in writing issued with respect to all schools maintained by him or with respect to any of such schools named in the directions, authorise a Government medical officer to cause examinations of the persons and clothing or pupils in attendance at such schools to be made whenever in the Minister's opinion such examinations are necessary in the interests of cleanliness.

(2) If the person or clothing of any pupil is found upon such examination to be infested with vermin or in a foul condition, any officer of the Minister may serve upon the parent of the pupil a notice requiring him to cause the person and clothing of the pupil to be cleansed within twenty-four hours.

(3) If the parent fails to comply with a notice served under subsection (2) he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty dollars.

21 of 1996, s. 20.

(4) Where an officer of the Minister suspects that the person or clothing of any pupil in attendance at a school maintained by the Minister is infested with vermin or in a foul condition, but action for the examination thereof cannot immediately be taken, he may, in the interests of the pupil or of other pupils in attendance at the school, direct that the pupil be excluded from the school until such action is taken.

(5) No girl shall be examined under the powers conferred by this section save by a duly qualified medical practitioner or by a woman authorised for that purpose by the Minister.

Provision of transport.
57 of 1963, s. 14.

34. The Minister may make such arrangements for the provision of transport as he considers practicable and necessary for the purpose of facilitating the attendance of pupils at schools and other establishments maintained by him, and any transport provided in pursuance of such arrangements shall be provided free of charge.

Power to provide primary and secondary education otherwise than at school.

35. If the Minister is satisfied that by reason of any extraordinary circumstances a child or young person is unable to attend a suitable school for the purpose of receiving primary or secondary education, he shall have power to make, in so far as his resources permit, special arrangements for the child or young person to receive such education otherwise than at school.

Duty of Minister in respect of pupils incapable of receiving education at school.

36. (1) If it appears to the Minister that any child who has attained the age of five years is suffering from a disability of mind or body of such a nature or to such an extent as to make him incapable of receiving education at school, it shall be the duty of the Minister by notice in writing served upon the parent of the child to require the parent to submit him for examination by a Government medical officer; and if a parent upon whom such a notice is served fails without reasonable excuse to comply with the requirements thereof, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty dollars.

21 of 1996, s. 21.

(2) Before any child is so medically examined as aforesaid, the Minister shall cause notice to be given to the parent of the time and place of such examination, and the parent shall be entitled to be present at the examination if he so desires.

(3) If, after considering the advice given with respect to any child by a Government medical officer after such examination as aforesaid and any reports or information which the Minister is able to obtain from teachers in respect of the ability and aptitude of the child, the Minister decides that the child is suffering from a disability of mind

or body of such a nature or to such an extent as to make him incapable of receiving education at school, it shall be the duty of the Minister to issue to the parents a report that the child has been found incapable of receiving education at school.

(4) For the purposes of this section, a child shall be deemed to be suffering from a disability of mind or body of such a nature and to such an extent as to make him incapable of receiving education at school not only if the nature and extent of his disability are such as to make him incapable of receiving education, but also if they are such as to make it inexpedient that he should be educated in association with other children either in his own or their own interests.

(5) If the Minister is satisfied that any child in attendance at a school maintained by him is suffering from a disability of mind or body of such a nature or to such an extent that he will, in the opinion of the Minister, require supervision after leaving school, the Minister shall before the child ceases to be of compulsory school age issue to the parent of the child a report that by reason of a disability of mind the child may require supervision after leaving school.

Employment of Children

Power of Minister to prohibit or restrict employment of children.

21 of 1996, s. 22.

37. (1) If it appears to the Minister that any child under the age of sixteen years who is a registered pupil at a school maintained by him is being employed in such a manner as to be prejudicial to his health or otherwise as to render him unfit to obtain the full benefit of the education provided for him, the Minister may, by notice in writing served upon the employer, prohibit him from employing the child, or impose such restrictions upon his employment of the child as appear to the Minister to be expedient in the interests of the child.

(2) The Minister may, by notice in writing served upon the parent or employer of any child who is a registered pupil at a school maintained by him, require the parent or employer to provide the Minister, within such period as may be specified in the notice, with such information as appears to the Minister to be necessary

for the purpose of enabling him to decide whether the child is being employed in such a manner as to render him unfit to obtain the full benefit of the education provided for him.

(3) Any person who employs a child in contravention of any prohibition or restriction imposed under subsection (1) of this section, or who fails to comply with the requirements of a notice served under subsection (2) of this section, shall be guilty of an offence against this section, and shall be liable on summary conviction, in the case of a first offence to a fine not exceeding fifty dollars, in the case of a second offence to a fine not exceeding seventy-five dollars, and in the case of a third or subsequent offence to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding one month or to both such fine and such imprisonment. *21 of 1996, s. 22*

Miscellaneous Provisions

38. (1) Save as hereinafter provided, no fees shall be charged in respect of admission to any school maintained by the Minister or in respect of the full-time education provided in any such school, and it shall be the duty of the Minister, in so far as his resources permit, to provide free of charge for all pupils who are given free education in schools maintained by him, books, writing materials, stationery, practice materials and other articles which are necessary to enable the pupils to take full advantage of the education provided: Prohibition of fees in schools maintained by the Minister.

Provided that in the case of any part-time class or course provided by the Minister for pupils above compulsory school age under any scheme for further education, the Minister shall have power to charge in respect of such part-time courses such fees as he may deem necessary.

(2) The tuition fees shall be payable each term to the Principal in advance and the fee for books and supplies shall be paid to him annually in advance, and the Principal shall without delay pay the same into the Treasury. *21 of 1996, s. 23.*

Duties of Minister as to the training of teachers.

39. (1) In execution of the duties imposed on him by this Act, the Minister shall, in particular, make such arrangements as he considers expedient and as his resources permit for securing that there shall be sufficient facilities for the training of teachers for service in schools and other establishments maintained by the Minister.

(2) Regulations may be made under this section with regard to the emoluments, allowances and conditions of service of students in training as teachers, their selection, training and retraining as teachers.

21 of 1996, s. 24.

21 of 1996, s. 24.

(3) In this section, "teachers" includes —

(a) senior teacher, master teacher, senior master or senior mistress; and

(b) guidance counsellors and educational administrators.

PART III
INDEPENDENT SCHOOLS

Registration of independent schools.

40. (1) The Director shall be the Registrar of Independent Schools, and it shall be his duty to keep a register of all independent schools (other than exempt schools), which register shall be open to public inspection at all reasonable times and, subject as hereinafter provided, to enter therein in the manner and form prescribed particulars of all independent schools registered under the provisions of this Act.

(2) No independent school, (other than an exempt school) which is not in existence at the date of the coming into operation of this Act, shall be opened, maintained or conducted unless and until it is registered under the provisions of this Act, and pending compliance with the provisions of subsection (3) of this section, the Minister may grant provisional registration for such period as he may think fit to any such school.

(3) Any independent school the proprietor of which makes application to the Minister for registration under the provisions of this Act, shall be so registered unless it is objectionable on any of the following grounds —

(a) that the school premises or any part thereof are unsuitable for a school;

(b) that the accommodation provided at the school premises is unsuitable or inadequate having regard to the number, ages and sex of the pupils attending the school;

(c) that efficient and suitable instruction is not being provided at the school, having regard to the ages and sex of the pupils attending thereat;

(d) that the proprietor of the school or any teacher employed therein is not a proper person to be the proprietor of an independent school or to be, a teacher in any school, as the case may be.

(4) Where the Minister refuses to grant any application of an independent school for registration under the provisions of this Act, he shall give to the proprietor of the school notice of his refusal setting out the grounds therefor, and the management of the school may within twenty-eight days from the date of such notice appeal therefrom in such manner as may be provided by rules made under section 76 of the Supreme Court Act, to the Supreme Court, whose decision thereon shall be final and conclusive. Ch. 53.

(5) If after the expiration of three months from the date of coming into force of this Act any person conducts or takes part in the conduct of an independent school (whether established before, or after the date of the coming into force of this Act and not being an exempt school), which is not a registered school, he shall be guilty of an offence and shall be liable on summary conviction to fine not exceeding eighty dollars or in the case of a second or subsequent conviction, to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months, or to both such imprisonment and such fine. 5 of 1987, s. 2.

(6) Regulations may be made prescribing the particulars to be furnished to the Registrar of Independent Schools and such regulations may provide for the notification to the Registrar of any changes in the particulars so furnished, and as to the circumstances in which the Minister may order the name of any school to be deleted from the register in the event of the Registrar being unable to obtain sufficient particulars thereof. Such regulations may also prescribe the procedure for the hearing by the Minister of an application for registration.

Complaints.

41. (1) If at any time the Minister is satisfied that any registered school is objectionable upon all or any of the following grounds —

(a) that the school premises or any part thereof are unsuitable for a school;

(b) that the accommodation provided at the school premises is unsuitable or inadequate having regard to the number, ages and sex of the pupils attending the school;

(c) that efficient and suitable instruction is not being provided at the school, having regard to the ages and sex of the pupils attending thereat;

(d) that the proprietor of the school or any teacher employed therein is not a proper person to be the proprietor of an independent school or to be a teacher in any school, as the case may be,

the Minister shall serve upon the proprietor of the school a notice of complaint stating the grounds of complaint together with full particulars of the matters complained of, and, unless any of such matters are stated in the notice to be in the opinion of the Minister irremediable, the notice shall specify the measures necessary in the opinion of the Minister to remedy the matters complained of, and shall specify the time, not being less than three months after the service of the notice, in the case of complaint under subparagraphs (a) and (b) of this subsection, within which such measures are required to be taken.

(2) If it is alleged in any notice of complaint served under this section that any person employed as a teacher at the school is not a proper person to be a teacher in any school, that person shall be named in the notice and the particulars contained in the notice shall specify the grounds of the allegation, and a copy of the notice shall be served upon him.

(3) Every notice of complaint served under this section and every copy of such a notice so served shall limit the time, not being less than one month after the service of the notice or copy within which the complaint may be referred to the Supreme Court under the provisions hereinafter contained.

Determination of complaints.

42. (1) Any person upon whom a notice or complaint or a copy of such notice is served under section 41 may, within the time limited by the notice, appeal therefrom in such manner as may be provided by rules made under section 76 of the Supreme Court Act to the Supreme Court.

Ch. 53.

(2) Upon such a complaint being submitted to the Supreme Court, the Supreme Court may, after due investigation —

(a) order that the complaint be annulled;

(b) order that the school in respect of which the notice was served be struck off the register;

(c) order that the school be so struck off unless the requirements of the notice subject to such modifications, if any, as may be specified in the order are complied with to the satisfaction of the Minister before the expiration of such time as may be specified in the order;

(d) if satisfied that the premises alleged by the notice of complaint to be unsuitable for use in a school or any part of such premises are in fact unsuitable for such use, by order disqualify the premises of part from being so used, if satisfied that the accommodation provided at the school premises is inadequate or unsuitable having regard to the number, ages and sex of the pupils attending the school, by order disqualify the premises from being used as a school for pupils exceeding such number or of such age or sex as may be specified in the order;

(e) if satisfied that any person alleged by the notice of complaint to be a person who is not a proper person to be the proprietor of an independent school, or to be a teacher in any school is in fact such a person, by order disqualify that person from being the proprietor of any independent school or from being a teacher in any school, as the case may be.

(3) Where a notice of complaint has been served under this Act on the proprietor of any school and the complaint is not submitted by him to the Supreme Court within the time limited in that behalf in the notice, the Minister shall

have power to make any order which the Supreme Court would have had power to make had the complaint been so referred:

Provided that, if it was alleged by the notice of complaint that any person employed as a teacher at the school is not a proper person to be a teacher in any school and that person has, within the time limited in that behalf by the copy of the notice served upon him, submitted the complaint to the Supreme Court, the Minister shall not have power to make an order requiring his dismissal or disqualifying him from being a teacher in any school.

(4) Where by virtue of an order made by the Supreme Court or by the Minister any person is disqualified either from being the proprietor of an independent school, or from being a teacher in any school, then, unless the order otherwise directs, that person shall be disqualified both from being the proprietor of an independent school and from being a teacher in any school.

Enforcement.

43. (1) Where an order is made by the Supreme Court or by the Minister directing that any school be struck off the register, the Registrar of Independent Schools shall as from the date on which the direction takes effect strike the school off the register.

(2) If any person uses any premises for purposes for which they are disqualified by virtue of an order made under this Part of this Act, that person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding eighty dollars or in the case of a second or subsequent conviction (whether in respect of the same or other premises) to a fine not exceeding two hundred dollars, or to imprisonment for a term not exceeding three months or to both such imprisonment and such fine.

5 of 1987, s. 2.

(3) If any person acts as the proprietor of an independent school, or accepts or endeavours to obtain employment as a teacher in any school, while he is disqualified from so acting or from being so employed by virtue of any order as aforesaid, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding eighty dollars or in the case of a second or subsequent conviction to a fine not exceeding two hundred dollars, or to imprisonment for a term not exceeding three months, or to both such imprisonment and such fine.

5 of 1987, s. 2.

(4) No proceedings shall be instituted for an offence against this Part of this Act except by or on behalf of the Attorney-General or the Minister. 57 of 1963, s. 15.

Removal of disqualifications.

44. (1) If on the application of any person the Minister is satisfied that any disqualification imposed by an order made under this Part of this Act is, by reason of any change of circumstances, no longer necessary, the Minister may by order remove the disqualification.

(2) Any person who is aggrieved by the refusal of the Minister to remove such disqualification may, within one month after the refusal has been communicated to him, appeal therefrom, in such manner as may be provided by rules made under section 76 of the Supreme Court Act, to the Supreme Court. Ch. 53.

Rights of Registered independent schools.

45. Save as heretofore provided in regard to the registration of schools and the serving of notices of complaint, every independent school on the Register of Independent Schools shall have complete control over —

(a) the secular instruction provided at the school;

(b) the religious instruction provided at the school;

(c) the terms of appointment, conditions of service and dismissal of teachers;

(d) the enrolment, promotion, and all other matters concerning the pupils of the school;

(e) all matters pertaining to the internal organization and discipline of the school

Returns.

46. The management of every independent school shall annually, in such form as may be prescribed by regulations made under this Act, furnish the Minister with a return with such information regarding the school as may be required by the Minister for the purposes of this Part of this Act.

PART IV
GENERAL

General Principle to be Observed by the Minister

Pupils to be educated in accordance with the wishes of their parents.

47. In the exercise and performance of all powers and duties conferred and imposed upon him by this Act, the Minister shall have regard to the general principle that, so far as resources allow and are compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents.

Miscellaneous Provisions

Inspection.
57 of 1963, s. 16.

48. (1) It shall be the duty of the Minister to cause inspections to be made of all schools maintained by him. Such inspections shall be carried out in such manner and at such intervals at the Minister may decide.

15 of 1970, s. 5.

(2) The Minister may cause inspections to be made of schools assisted by the Minister and of schools not assisted by the Minister but registered under the provisions of this Act. The Minister may also cause inspections to be made of institutions for the provision of further education established or conducted under the provisions of this Act. Inspection of such schools and institutions shall be carried out not more frequently than once every six months and due notice thereof shall be given to such schools or institutions. Such inspection shall not exceed ten days duration, save with the agreement of the school or institution authorities, and a copy of any report to the Minister thereon shall be supplied to the said school or institution authorities.
21 of 1996, s. 25.

(3) Any person who obstructs any inspector, the Director or any person authorised by him to make an inspection in pursuance of the provisions of this section in the execution of his duty, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty dollars, in the case of a second or subsequent conviction, to a fine not exceeding one hundred dollars.
21 of 1996, s. 25.

(4) The religious instruction given in any school maintained by any religious organization shall not be subject to inspection as aforesaid.

Provision of certain medical services for pupils not in attendance at schools maintained by the Minister.

49. Where under powers conferred by this Act the Minister makes special arrangements for any child to receive primary or secondary education otherwise than at school, the Minister may provide for the medical inspection or medical treatment of that pupil as if he were in attendance at a school maintained by the Minister.

Registration of pupils at schools.

50. (1) The management of every school (that is to say any school maintained by the Minister and any other school whether or not registered under this Act) shall cause to be kept, in accordance with regulations made under this Act, a register containing the prescribed particulars with respect to all persons of compulsory school age who are pupils at the school, and such regulations may make provisions for enabling such registers to be inspected, for enabling extracts therefrom to be taken for the purposes of this Act by persons duly authorised in that behalf under the regulations, and for requiring the persons by whom any such register is required to be kept to make to the Minister such periodical and other returns as to the contents thereof as may be prescribed.

(2) The regulations made under this section shall prescribe the procedure by which the removal, withdrawal or transfer of any child of compulsory school age from any school not maintained by the Minister shall be reported to the Minister, for the purpose of securing that any child of compulsory school age shall continue to attend school for so long as he is of compulsory school age.

(3) If any person contravenes or fails to comply with any requirement imposed on him by regulations made under this section, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding seventy-five dollars.

21 of 1996, s. 26.

Power of Minister to give assistance by means of scholarships or otherwise.

51. The Minister shall have power, in so far as his resources permit, for the purpose of enabling pupils to take advantage without hardship to themselves or their parents of any educational facilities available to them —

(a) to defray such expenses of children attending schools as may be necessary to enable them to take part in school activities;

(b) to pay the whole or any part of the fees and expenses payable in respect of children attending schools at which fees are payable;

(c) to grant scholarships, exhibitions, bursaries and other allowances in respect of pupils under or over compulsory school age, including pupils undergoing training as teachers,

and regulations may be made governing the exercise of such powers.

Power of Minister to give assistance to schools not maintained by him.

52. The Minister shall have power in so far as his resources permit to give assistance, by grants or otherwise, to schools not maintained by the Minister (including exempt schools), and to make regulations regarding the form and method of application for such assistance, and the conditions under which such assistance is granted:

Provided that no such assistance shall be granted to any such school unless —

(a) the school premises and the accommodation provided therein shall be adequate in size and facilities, and in satisfactory condition;

(b) the teaching staff shall be adequate in number, qualifications and experience, having regard to the numbers, ages and sex of pupils and to the curriculum of the school;

26 of 1963, s. 2.

(c) there shall be no bar with respect to religion, colour or race in the admission of pupils;

(d) the income of the management of the school from all sources shall be devoted solely to the educational purposes of the school;

(e) the school shall not be established or maintained for the private profit of any person or persons:

Provided further that such assistance shall not be withheld or reduced solely on the ground that the qualifications of any teacher at such school have not been obtained at a British University or Institution.

Notices.

53. Any notice required or authorised by this Act to be served upon any person may be served by delivering it to that person or by leaving it at his usual or last known place of residence, or by sending it in a prepaid letter addressed to him at that place.

Saving as persons of unsound mind and persons detained by order of a court.

54. No power or duty conferred or imposed by this Act on the Minister or on parents shall be construed as relating to persons of unsound mind and persons detained by order of a court.

Power of Minister to make regulations.

55. (1) The Minister may, from time to time, make regulations for all or any of the purposes of this Act in accordance with the powers and duties to make regulations conferred or imposed on the Minister by this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may relate to all or any of the following matters, except where specific provision therefor is made in this Act, that is to say —

(a) the ages between which children shall be entitled to attend schools maintained by the Minister, and the administrative arrangements, in regard to age, for the enrolment of children in such schools;

(b) the attendance of children at schools maintained by the Minister, their expulsion or removal therefrom and the transfer of children from one school to another;

(c) the inspection, examination, discipline, routine and management of schools maintained by the Minister;

(d) the curriculum, syllabuses, and courses of instruction to be followed in maintained schools, and the books and materials to be used in the implementation thereof;

(e) the days of attendance and the school vacation and holidays for maintained schools, and the manner of celebrating any holiday;

21 of 1996 s. 27.

(f) the conditions under which children of over sixteen years of age may remain at or be removed from a maintained school;

(g) the health, cleanliness, medical examination or treatment of children attending schools, and the necessary exclusion of any such children from school;

(h) the duties and powers of teachers employed by the Department;

(i) the duties and powers of other officers in the service of the Department;

(j) the certification of teachers:

57 of 1963, s. 19.

(k) the development, erection, extension, improvement, provision, renting or repairing of the buildings, gardens, play-grounds, premises or yards of any assisted school, and of teachers' dwellings;

(l) the furnishing of quarters supplied by the Minister;

(m) the standards of buildings, accommodation, equipment, and furniture for maintained, aided and independent schools;

(n) the fees to be paid for accommodation in any hostel or boarding house maintained by the Minister, and the method of paying such fees;

(o) the fees to be paid in connection with classes or courses of instruction established in accordance with any approved scheme of further education;

(p) the conduct of examinations on behalf of external examining bodies, and the local fees to be paid by candidates in such examinations.

56 of 1965, s. 3.

21 of 1996, s. 27.

(q) the fees to be paid in connection with the admission and education of pupils who are not citizens of The Bahamas;

(r) the registration of independent schools;

(s) the conditions for the award of scholarships or bursaries;

(t) the organization, discipline, routine and management of a Teachers' Training College, and the terms of service and discipline of students in training;

(u) the information to be furnished to the Minister by institutions for the provision of further education, schools and teachers, and the form and time in which such information shall be furnished; *8 of 1968, s. 3.*

(v) the minimum standards of achievement for the graduation of secondary pupils attending secondary schools maintained by the Minister. *21 of 1996, s. 27.*

Power to amend First and Third Schedules. *21 of 1996, s. 28.*

56. The Minister may, from time to time, by regulations made under the powers conferred by this section, amend or revoke and replace any of the provisions of the First and Third Schedules to this Act.

Expenses.

57. The expenses incurred in carrying out the provisions of this Act shall be paid out of such sums as Parliament may from time appropriate for the purpose.

Method of supply and withdrawal of funds. *21 of 1996, s. 29.*

58. (1) Moneys provided for Boards shall be allocated to each Board and made available to the Board by the Minister of Finance.

Ch. 359.

(2) Subject to the provisions of the Financial Administration and Audit Act, each Board shall open an account in respect of moneys provided with any bank, and all deposits and withdrawals of such moneys shall be recorded in the account:

Provided that withdrawals from the account shall be signed by the Chairman and the Principal.

Minister may order production of books of account. *21 of 1996, s. 29.*

59. Without prejudice to any other provision of this Act, the Minister may, either of his own accord or at the request of the Minister of Finance, by notice in writing, require the Secretary to produce any books of account, records or other documents of a Board.

Appointment of auditors. *21 of 1996, s. 29.*

60. (1) The Minister after consultation with the Minister of Finance, may appoint an auditor or auditors to audit the accounts of a Board subject to such conditions as the first-mentioned Minister may deem fit.

(2) The appointment of the auditor or auditors shall be for a period of one year renewable each year, for a total period of not more than five consecutive years.

(3) A person shall not be qualified for appointment as an auditor unless he is an individual who is licensed, under the Public Accountants Act‡, to engage in public practice.

Ch. 364.

‡ This Act (formerly Ch. 364) has been repealed by The Bahamas Institute of Chartered Accountants Act, 2015 (No. 13 of 2015) now Ch. 364.

(4) In the exercise of their duties, auditors shall have access to all books, records, returns and other documents relating to the accounts of Boards and may require any person holding or accountable for any such books or documents to appear before them at the audit.

(5) Auditors shall submit their reports not later than twelve weeks from the end of the financial year to the Minister who shall forthwith transmit copies of those reports to the Minister of Finance and to the respective Board.

(6) The Minister of Finance shall cause a copy of each report to be laid before the House of Assembly.

(7) For the avoidance of doubt, it is hereby declared that nothing in this section shall be read or construed as derogating from or in any way limiting any of the functions exercisable by the Auditor-General pursuant to the provisions of the Constitution or any written law.

Additional auditing responsibilities.

21 of 1996, s. 29.

61. The Minister may cause an audit to be conducted in respect of the accounts of and any account kept by or on behalf of, any school.

Regulations by Minister of Finance.

21 of 1996, s. 29.

Sub. Leg. Vol. VI, Page 3605

62. The Minister of Finance shall make regulations for the purpose of regulating the financial functions of a Board, including the keeping of records and reporting, but, such regulations shall conform, as much as possible, to the Financial Regulations.

57 of 1963, s. 21; E.L.A.O., 1974; 21 of 1996, s. 30.

FIRST SCHEDULE (Section 14)

MANAGEMENT OF MAINTAINED SCHOOLS

PART I
INSTRUMENT OF MANAGEMENT

Interpretation.

1. In this Schedule —

"Board" means the School Board established under section 14 of this Act;

"Member" includes the Chairman of the Board, save where reference is made specifically to the Chairman.

Members of the Board not to be financially interested in the school.

2. Save with the approval of the Minister, no member of the Board shall hold any financial interest in the school, or receive any remuneration for his services, or be financially interested in the supply of work or goods to or for the purpose of the school.

Determination of Membership of the Board.

3. Any member of the Board who is absent from all meetings of the Board during a period of three consecutive monthly meetings or who communicates in writing to the Secretary to the Board a wish to resign, shall thereupon cease to be a member.

Vacancies.

4. Every vacancy shall be notified by the Secretary to the Board to the Chairman as soon as possible.

Secretary to the Board.

5. The Principal of the school shall act as Secretary to the Board and shall be responsible for keeping the minutes of the proceedings.

Summoning of meetings.

6. Meetings of the Board, which shall be held not less than once in every month, shall normally be summoned by the Chairman of the Board, who shall give the members not less than four clear days' notice of such meetings. The Secretary to the Board shall send to each member an Agenda paper, so that it may in the ordinary course of letter post be delivered at the address of each member not less than two clear days before the time of Meetings.

Quorum.

7. No business shall be transacted at any meeting of the Board unless a majority of members are present.

Adjournment of meetings.

8. If a sufficient number of members to form a quorum is not present, the meeting shall stand adjourned, and the Chairman of the Board shall, if he thinks fit, cause a special meeting to be summoned as soon as conveniently may be done. Any meeting may be adjourned by resolution.

Special meetings.

9. A special meeting may be summoned by the Secretary to the Board at the instance of the Chairman or at the request of a majority of the members at any time, giving not less than three clear days' notice of such meeting. The Agenda paper shall set out the business to be considered at the special meeting and no business other than that so specified shall be taken.

Proceedings of the Board.

10. (1) A question coming before the Board at any meeting shall be decided by a majority of the members present, and in the case of any equality of votes, the Chairman of the meeting shall have a second or casting vote.

(2) The proceedings of the Board shall not be invalidated by any vacancy in their number.

(3) In the absence of the Chairman at any meeting the members present may elect a Chairman for that meeting.

Minutes.

11. At every meeting of the Board the Minutes of the last meeting shall be read as first business, and, if carried, shall be confirmed and signed by the Chairman.

Correspondence.

12. The official correspondence of the Board shall be conducted by the Secretary to the Board.

Proceedings and documents of the Board.

13. The proceedings and documents of the Board shall be such as may be prescribed by the Minister from time to time.

PART II
ARTICLES OF MANAGEMENT

Conduct of school.

1. The school shall be conducted in accordance with the provisions of the Education Act for the time being of The Bahamas, the Regulations of the Minister, the Instrument of Management set forth in Part I of this Schedule, and these Articles.

Estimates.

2. The Board shall in each financial year, at such time as the Minister shall determine, submit an estimate of its requirements for the ensuing school year in respect of the following matters —

(a) repair and maintenance of school premises;

(b) school furniture and equipment;

(c) school books and materials;

(d) improvements or extension to school premises.

Estimates: consideration and variation.

3. The Minister shall consider such estimates and make such variations as may be required by the educational policy of the Minister.

School premises.

4. The Board shall, in consultation with the Principal and subject to any regulation of the Minister regarding the use of school accommodation, determine the use to which the school premises or any part thereof shall be put out of school hours.

Appointment, etc., of the Principal.

5. The Principal shall be a teacher in the public service and his appointment and conditions of service shall be governed by the Regulations in force in that behalf.

Procedure for appointment of Principal.

6. The appointment of the Principal shall conform to the following procedure —

(a) the vacant post shall be filled by transfer or promotion within the service, or by appointment from outside the service:

Provided that the Board shall have prior notification of the appointment and shall be given the opportunity, if it considers that the person to be appointed is not a fit and proper person to be Principal of that school, of stating its reasons therefor, for the consideration of the Department;

(b) the Principal shall on appointment be posted to the school. He shall be liable to transfer according to the exigencies of the service;

(c) any decision of the Board to submit to the Department an adverse report on the Principal shall be taken by a majority of the whole Board at a special meeting of the Board for that purpose and any such decision shall require confirmation by a resolution similarly passed at a special meeting held not less than fourteen clear days after the date of the meeting at which the original resolution was passed;

(d) the Principal shall be entitled to appear with a friend or a counsel and attorney at any meeting of the Board at which a question which may involve an adverse report upon him is to be considered, and shall be given at least fourteen clear days' notice of such meeting.

Appointment, etc., of teachers.

7. The teachers in the school shall be teachers in the public service and their appointment and conditions of service shall be governed by the Regulations in force in that behalf.

Procedure for appointment of teachers.

8. The appointment of teachers shall conform to the following procedure —

(a) any vacant post or posts shall be filled by transfer within the service or by appointment from outside the service:

Provided that the Board shall have prior notification of the appointment or appointments and shall be given the opportunity, if it considers the person or persons to be appointed are not fit and proper persons to be teachers in that school, of stating its reasons therefor, for the consideration of the Department;

(b) teachers appointed shall be posted to the school for duty for the time being, and shall be liable to transfer to other schools, according to the exigencies of the service.

Teaching staff.

9. All teaching staff appointed to the school shall so far as is not inconsistent with these Articles of Management and with the relevant Regulations governing the appointment of officers in the public service come under the Department for general administrative, financial and disciplinary purposes.

Non-teaching staff.

10. Non-teaching staff other than clerical staff employed at the school shall be appointed by the Board after consultation with the Principal.

Organization and curriculum.

11. (1) The Minister shall determine the general educational character of the school and its place in the educational system of The Bahamas, and shall prescribe the basic curriculum and syllabuses of the school. Subject thereto, and to any regulations of the Minister from time to time, the Board shall, in consultation with the Principal, exercise the general oversight of the conduct of the school.

(2) The Principal shall, subject to any regulations of the Minister from time to time, control the conduct, internal organization, management and discipline of the school, the methods of teaching and arrangement of classes, and shall exercise supervision over the teaching and non-teaching staff. He shall have the power to suspend pupils from attendance for any cause which he considers adequate, but in suspending any pupil he shall forthwith report the case to the Board and to the Minister.

(3) There shall be full consultation at all times between the Principal and the Board.

(4) All major proposals affecting the conduct of the school shall be submitted formally by the Principal to the Board, and all major proposals by the Principal affecting the curriculum of the school shall be submitted formally by the Principal to the Board for consideration before transmission to the Minister for his consideration.

(5) There shall be full consultation and co-operation between the Board and the Department on all matters affecting the welfare of the school.

School holidays, etc.

12. (1) The Minister shall have the right to lay down standards for school hours, terms and holidays to which the school must conform:

Provided that the Board may for sufficient reason recommend variations to suit the circumstances of the school, subject, however, to the aggregate holidays prescribed by the Minister for any school year not being varied.

(2) The distribution of occasional holidays agreed by the Minister shall be determined by the Board in consultation with the Principal.

Admission of pupils.

13. (1) Subject to the Regulations issued by the Minister from time to time, no pupil applying for first admission to a primary school, who has attained the age of five years, shall be refused admission to such school.

(2) If it appears to the Principal that any child so admitted is suffering from a disability of mind or body of such a nature or to such an extent as to make him unable to benefit from the education offered by the school, or to render special educational treatment desirable, he shall report the case to the Minister, who shall arrange for the examination of the child by a medical officer authorised in that behalf.

School Standing Orders.

14. (1) The Principal may make, subject to the approval of the Board, School Standing Orders relating to the following matters, such Standing Orders to be in conformity with the Regulations of the Minister —

(a) the registration, attendance and examination of pupils;

(b) the discipline to be enforced on pupils both inside and outside the school;

(c) the punishment and suspension of pupils;

(d) the health, cleanliness and medical inspection of pupils;

(e) school holidays and variations to be enjoyed by teachers and pupils;

(f) the internal organization and management of the school.

(2) The School Standing Orders made under this Article shall be subject to the approval of the Minister, and copies shall be exhibited in a conspicuous place in the school premises for the information of all teachers and pupils at the school.

Returns.

15. The Board shall furnish to the Minister such returns and reports as he may require.

Copies of Articles.

16. A copy of these Articles shall be given to every Member, the Principal, and every teacher on entry into office.

SECOND SCHEDULE (Section 2(1))

57 of 1963, s.24.

EXEMPT SCHOOLS

All Roman Catholic Diocesan Schools.

St. Andrew's School.

The Baptist High School.

The Seventh Day Adventist Schools.

THIRD SCHEDULE (Section 14)

21 of 1996, s. 32.

C.H. Reeves Secondary School

C.I. Gibson Secondary School

D.W. Davis Secondary School

H.O. Nash Secondary School

S.C. McPherson Secondary School

L.W. Young Secondary School

A.F. Adderley Secondary School

C.C. Sweeting Junior High School

C.C. Sweeting Secondary School

Government High School

R.M. Bailey Secondary School

C.R. Walker Secondary School