

EDUCATION ACT

Act 39 of 1957 – 28 December 1957

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EDUCATION ACT

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Education Act.

2. Interpretation

In this Act—

“additional tuition” means tuition provided to a pupil who is attending a school, in a subject which is being taught at the school;

“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 or equivalent, or Higher School Certificate Examinations or equivalent, and eligible for a grant-in-aid from Government funds, whether such grant is actually made or not;

“Council” means the National Education Council established under section 5;

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

“Form VI College” means a school providing education at post-School Certificate level or equivalent, leading to a public examination of Higher School Certificate level or equivalent;

“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;

“post-secondary education” has the same meaning as in the Tertiary Education Commission Act;

“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;

“rector” means the head of a secondary school offering Forms I to VI classes or a Form VI College responsible for the control and supervision of instruction in such school;

“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 a night school;

“secondary school” means—

- (a) a school providing post-primary education of not less than 5 years’ duration, leading to a public examination of School Certificate level or equivalent;
- (b) a school providing post-primary education of not less than 7 years’ duration, leading to a public examination of Higher School Certificate level or equivalent; or
- (c) a Form VI College;

“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.

[S. 2 amended by Act 40 of 1982; Act 56 of 1983; s. 3 of Act 49 of 2002; s. 3 (a) of Act 44 of 2004; s. 2 (a) of Act 18 of 2005 w.e.f. 1 July 2005; s. 3 of Act 33 of 2011 w.e.f. 15 March 2012.]

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 coordination 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;
- (f) the promotion and maintenance of high quality standards in primary and secondary schools through an appropriate quality assurance mechanism;
- (fa) the conduct, where appropriate, of the Enhancement Programme or any other programme in schools to enhance innovative teaching and learning experiences, and to promote the integral development of pupils;

- (g) the recognition and equivalence of qualifications obtained in or outside Mauritius in the primary and secondary education sector;
- (h) the formulation and publication of policies and criteria for the registration of primary and secondary schools.

[S. 3 amended by s. 2 (b) of Act 18 of 2005 w.e.f. 1 July 2005; s. 4 of Act 33 of 2011 w.e.f. 15 March 2012.]

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 supervising officer and such other officers of the Ministry as may be authorised by the Minister in that behalf.

5. National Education Council

- (1) There shall be for the purposes of this Act a National Education Council.
- (2) The functions of the Council shall be to—
 - (a) advise Government on policies for the effective direction, promotion and development of education;
 - (b) review the implementation of plans, policies, strategies, programmes and projects for the provision of education; and
 - (c) examine and make recommendations on any educational matter referred to it by the Minister.
- (3) The Council shall consist of—
 - (a) the Minister, as chairperson;
 - (b) the supervising officer of the Ministry;
 - (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-General of the Open University of Mauritius;
 - (i) the Director, Private Secondary Schools Authority;
 - (j) the supervising officer of the Ministry responsible for the subject of industry or his representative;
 - (k) the Financial Secretary or his representative;
 - (l) the supervising officer of the Ministry responsible for the subject of vocational training;
 - (m) the Permanent Secretary of the Ministry responsible for the subject of social security or his representative;
 - (n) the Permanent Secretary of the 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 reappointment.
- (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; or
 - (b) on such other occasion as may be required by the Chairperson.
- (7) In the absence of the Chairperson, the Council shall be chaired by the Permanent Secretary of the Ministry.
- (8) Twelve 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 this section, the Council shall regulate its meetings in such manner as it thinks fit.

[S. 5 amended by Act 49 of 1992.]

5A. National Curriculum Advisory Board

- (1) There shall be for the purposes of this Act a National Curriculum Advisory Board.
- (2) The functions of the Board shall be to—
- (a) 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) review regularly and make recommendations for the updating and consolidation of the school curriculum;
 - (c) advise on curriculum development for children with special needs and for remedial education;
 - (d) examine and advise on such matter relating to curriculum development as may be referred to it by the Minister.
- (3) The Board shall consist of—
- (a) a Chairperson, with wide experience in the field of education, to be appointed by the Minister;
 - (b) 3 representatives of the Ministry;
 - (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 reappointment.

(5) The Board shall meet—

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

(6) Eight 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 this section, the Board shall regulate its meetings in such manner as it deems fit.

[S. 5A inserted by Act 49 of 1992.]

5B. Regional Education Boards

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

(2) The functions of each Education Board shall be to—

- (a) advise on the effective direction, promotion and development of education in the region for which it has been assigned responsibility;
- (b) make recommendations on the future plans and projects for education in the region;
- (c) advise on the improvement of the administration of schools;
- (d) organise and foster educational activities with the collaboration of the schools and the Parent-Teacher Associations;
- (e) ensure the general welfare of students; and
- (f) 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 Chairperson, 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, 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 Associations 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 reappointment.

(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; and
- (b) on such other occasion as may be required by the Chairperson.

(7) Eight members of the Board shall constitute a quorum.

(8) In the absence of the Chairperson, the representative of the Ministry shall act as chairperson.

(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 this section, the Board shall regulate its meetings in such manner as it thinks fit.

[S. 5B inserted by Act 49 of 1992.]

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; and
- (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.

[S. 7 amended by Act 48 of 1991.]

7A. Powers of 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 2,

these powers shall be exercisable by the Minister.

[S. 7A amended by Act 20 of 2000; s. 3 of Act 16 of 2001.]

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 rectors and principals in which shall be entered the name, address and qualifications of every registered rector or principal and the name of the school of which he is the rector or 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.

[S. 8 amended by s. 4 of Act 49 of 2002.]

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 that school or if he fails to comply with this Act.

(9) The Minister may exempt the manager of any school from compliance with 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.

[S. 9 amended by Act 23 of 1986.]

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 that—

- (a) 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) the proposed school premises are or are likely to be insanitary or for reasons of health unsuitable to contain a school;
- (c) the school does not conform to the regulations made under this Act;
- (d) the proposed teachers do not possess the prescribed qualifications;
- (e) the proposed school premises or equipment will not allow of efficient tuition in the subjects to be taught in the school;
- (f) the manager is not a fit and proper person to act as such; or
- (g) 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 responsible for the subject of health, in respect of the school;
- (b) a clearance certificate from the Fire Services in respect of the school; and
- (c) a certificate in respect of the structural soundness of the school from a registered professional engineer approved by the Minister.

[S. 10 amended by Act 23 of 1986; Act 20 of 2000.]

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 rector or a principal.

(2) A manager of a private secondary school who possesses the required qualifications may also act as the rector or principal of that private secondary school.

[S. 11A amended by s. 5 of Act 49 of 2002.]

12. Registration of managers, rectors and principals

(1) Every manager, rector or principal shall be registered.

(2) An application for registration as manager, rector or principal shall be made to the Minister in the prescribed form.

(3) Upon receipt of an application for registration as a manager, rector 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, rector 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.

[S. 12 amended by Act 23 of 1986; s. 6 of Act 49 of 2002.]

13. Refusal to register manager, rector or principal

The Minister may refuse to register a person as a manager, rector 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.

[S. 13 amended by Act 28 of 1984; Act 22 of 1985; s. 4 of Act 16 of 2001; s. 7 of Act 49 of 2002.]

14. Grounds for cancellation

(1) The Minister may cancel the registration of any manager, rector 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, rector or principal, or to perform the duties of a manager, rector 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; or

(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, rector or principal of that school.

[S. 14 amended by Act 28 of 1984; s. 5 of Act 16 of 2001; s. 8 of Act 49 of 2002.]

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; or
- (e) has knowingly or recklessly made a material misrepresentation in his application.

[S. 17 amended by Act 28 of 1984; Act 22 of 1985.]

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 the teacher 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 section 10, 11, 13, 14, 17, 18, 20 or 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 section 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.

[S. 24 amended by s. 6 of Act 16 of 2001.]

24A. Appeal from cancellation under section 14

(1) Where the Minister cancels the registration of a manager, rector 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, rector 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, rector 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 subsection (1) (b) shall 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, rector or principal until disposal of his appeal.

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

[S. 24A inserted by s. 7 of Act 16 of 2001; amended by s. 9 of Act 49 of 2002.]

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 Chairperson, who shall be a barrister-at-law, and 2 other members to be appointed by the Minister.

(3) The Chairperson 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.

[S. 25 amended by Act 49 of 1992.]

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.

[S. 27 amended by s. 8 of Act 16 of 2001.]

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 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 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, rector or principal of, or teacher in, a school which is not registered in accordance with section 9;
- (b) is not registered as a manager, rector or principal of a school of which he is in fact the manager, rector or principal;
- (c) teaches in a school without being 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, rector or principal or 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, rector or principal or 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, rector 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.

[S. 14 amended by s. 10 of Act 49 of 2002.]

PART IV – SCHOLARSHIPS

32. Award of scholarships by Minister

(1) The Minister may award scholarships tenable locally up to such maximum number in each category, and on such conditions, as may be prescribed.

(2) The Minister 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 to—

- (a) boys, 8 scholarships which shall be known as the State of Mauritius Scholarships; and
- (b) girls, 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 such foreign country as may be 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.

(5) A person who is awarded a scholarship under subsection (1) may, instead of pursuing his undergraduate studies abroad, elect to—

- (a) follow an undergraduate course in any approved tertiary education institution in Mauritius;

- (b) pursue postgraduate studies in Mauritius or in any other country approved by the Minister, subject to securing a seat at university for that purpose; and
- (c) spend 2 years on internship in a Government Ministry or Department in Mauritius,

on such terms and conditions as may be prescribed.

[S. 33 amended by Act 28 of 1984 w.e.f. 9 June 1984; Act 12 of 1988 w.e.f. 28 May 1988; Act 49 of 1992; s. 5 (a) of Act 10 of 2010 w.e.f. 31 March 2011.]

33A. Additional Scholarships

(1) The Minister shall, in accordance with regulations made under this Act, award 50 scholarships which shall be known as the Additional Scholarships.

(2) Out of the 50 Additional Scholarships—

- (a) 26 shall be awarded to persons 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; and
- (b) 24 shall be awarded to persons on the result of the prescribed examination referred to in paragraph (a), provided that the total income of the parents of the person does not exceed, in the aggregate, such amount as may be prescribed.

(3) A person who is awarded a scholarship under subsection (2) may, instead of pursuing his undergraduate studies abroad, elect to—

- (a) follow an undergraduate course in any approved tertiary education institution in Mauritius;
- (b) pursue postgraduate studies in Mauritius or in any other country approved by the Minister, subject to securing a seat at university for that purpose; and
- (c) spend 2 years on internship in a Government Ministry or Department in Mauritius,

on such terms and conditions as may be prescribed.

(4) In this section—

“total income” has the same meaning as in section 16A of the Income Tax Act.

[S. 33A inserted by s. 5 (b) of Act 10 of 2010 w.e.f. 31 March 2011.]

33B. Sir Seewoosagur Ramgoolam National Scholarships

The Sir Seewoosagur Ramgoolam Foundation established under the Sir Seewoosagur Ramgoolam Foundation Act shall, in accordance with regulations made under this Act, award 2 scholarships, which shall be known as the Sir Seewoosagur Ramgoolam National Scholarships, to a boy and a girl respectively.

[S. 33B inserted by s. 5 (b) of Act 10 of 2010 w.e.f. 31 March 2011.]

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 public 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 education up to age of 16

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

(2) It shall be compulsory for every child to attend school up to the end of the academic year in the course of which he attains the age of 16.

(3) Any responsible party of a child under the age of 16 who, without reasonable cause, refuses or neglects to cause the child to attend school regularly in accordance with subsection (1) or (2) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 2 years.

(4) For the purposes of this section—

“academic year”, in relation to a school, means such academic year as may be determined by the Minister;

“pre-vocational course” means such course for students having failed the Certificate of Primary Education examination as may be approved by the Minister;

“school” means—

- (a) a primary or secondary school registered under this Act; or
- (b) such institution as may be authorised by the Minister to run the pre-vocational course.

[S. 37 amended by Act 10 of 1991; repealed and replaced by s. 3 (b) of Act 44 of 2004.]

37A. Control of additional tuition

(1) Subject to subsection (2), no person shall provide to a pupil who is attending a school additional tuition in a subject which is being taught at the school—

- (a) in the case of a pupil attending a primary school, where he has not reached Standard V;
- (b) in the case of a pupil who is in Standard V or VI or attending a secondary school, unless the person providing the tuition is a teacher who is registered for that purpose in such manner and subject to 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 10,000 rupees and to imprisonment for a term not exceeding 2 years.

[S. 37A inserted by Act 10 of 1991; amended by s. 5 of Act 33 of 2011 w.e.f. 15 March 2012 only in so far as it relates to section 37A (1) (a).]

37B. Application for recognition and equivalence certificate

An application for recognition and equivalence of a qualification obtained at the primary or secondary level shall be made in such form and manner as may be prescribed.

[S. 37B inserted by s. 2 (c) of Act 18 of 2005 w.e.f. 1 July 2005.]

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 and the approval of the establishment of private institutions or branches, centres or campuses of overseas institutions offering post-secondary education in Mauritius;
- (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; and
- (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.

[S. 38 amended by s. 2 (d) of Act 18 of 2005 w.e.f. 1 July 2005.]

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, rectors, 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 additional tuition by teachers wholly paid from public funds;
- (j) the training of teachers;
- (k) the duration of holidays in schools; and
- (l) the issue of certificates.

[S. 39 amended by s. 11 of Act 49 of 2002; s. 7 of Act 33 of 2011 w.e.f. 15 March 2012.]

Schedule

FORM 1

[Section 9]

APPLICATION FOR REGISTRATION OF A SCHOOL

Address

Date

Permanent Secretary,
Ministry of Education.

I wish to open a school, particulars of which are set out below, and request that it be registered and a certificate of registration 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) Co-educational
- (e) Particulars of teachers it is proposed to employ—

Name	Qualifications	Proposed salary
------	----------------	-----------------

-
- *(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 (e.g. 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

Applicant

* Delete whichever is inapplicable.

† To be completed on Form 3.

†† To be completed on Form 4.

FORM 2

[Section 9]

CERTIFICATE OF REGISTRATION OF SCHOOL

File No.

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, RECTOR
OR A PRINCIPAL OF A SCHOOL**

Address

Date

Permanent Secretary,
Ministry of Education.

School

Address

1. I submit particulars of and request you to register me as manager, rector 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, rector or principal:

(a) Name Address

(b) Name Address

.....

Signature of applicant

* Delete whichever is inapplicable.

**† 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, rector or principal of ††

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

* Two referees are required. They must be persons of standing.

† If applicant has been convicted of a crime or offence involving fraud or dishonesty, the full circumstances must be disclosed.

†† Insert the name of the school of which applicant desires to become manager, rector or principal.

[Form 3 amended by s. 12 of Act 49 of 2002.]

FORM 4

[Section 16]

APPLICATION FOR REGISTRATION AS A TEACHER

Address

Date

Permanent Secretary,
Ministry of Education.

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) Marital status
- (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,
Ministry of Education.

1. I hereby request authority to employas an uncertificated teacher at
2. I submit his/her particulars 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 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 at
School, subject to satisfactory medical examination.

Conditions:

- Photograph of holder
- 1.....
 - 2.....

.....
Permanent Secretary,
Ministry of Education
