

## PART VIII.—TEACHERS.

## SECTION.

33. Appointment and functions of head-teachers.
34. Interpretation of this Part.
35. Certificates and licences for teachers in any school.
36. Cancellation and suspension of certificates and licences.
37. Registration of teachers.
38. Exemption of certain teachers from the provisions of sections 35 and 37.
39. Teachers in assisted schools to be approved by the Director.
40. Advisory Committees on remuneration and conditions of service of teachers.
41. Power to appoint sub-committees.

## PART IX.—FEES.

42. Fees in Government schools.
43. Fees to be paid into general revenue.

## PART X.—MISCELLANEOUS.

44. Inspection of schools.
45. Institution and conduct of proceedings.
46. Compulsory attendance.
47. Medical inspection.
48. Apprenticeship.

## PART XI.—RULES AND REGULATIONS.

49. Power of Governor in Council to make rules.
50. Power of Director to make regulations.
51. Repeal and saving.

## CHAPTER 105.

## EDUCATION.

**An Ordinance to Replace the Existing Provisions Relating to Education in Sierra Leone and to make Further and Better Provision therefor.** 32 of 1953.  
15 of 1957.

[4TH MAY, 1954.]

## PART I.—PRELIMINARY.

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

2. In this Ordinance, unless the context otherwise requires— Interpre-  
tation.

“assisted school” means a school assisted by grants-in-aid from public funds;

“child” means any person under the age of twenty-one years;

“ department ” means the Department of Education of Sierra Leone;

“ Director ” means the Director of Education, Sierra Leone;

15 of 1957.

“ employer ” means an employer of teachers and includes the Government of Sierra Leone;

“ Government school ” means a school managed by the Department;

“ Inspector ” means any person authorised in writing by the Director to inspect schools;

Cap. 65.

Cap. 79.

Cap. 75.

Cap. 76.

“ Local Authority ” means the City Council of Freetown constituted under the Freetown Municipality Ordinance, a District Council constituted under the District Councils Ordinance, the Rural Area Council established under the Rural Area Ordinance, and the Sherbro Urban District Council established under the Sherbro Urban District Council Ordinance;

“ Local Education Authority ” means a Local Education Authority established under section 13;

“ manager ”, in the case of a school managed by the proprietor thereof, means the proprietor; and, in the case of any other school, means the person or body of persons for the time being appointed by the proprietor to be responsible for the management of the school as the representative of the proprietor in Sierra Leone, and for the purposes of the provisions of this Ordinance relating to applications to establish or open schools includes an intended manager;

“ medical inspection ” means the physical examination of pupils in attendance at a school and the consideration by a School Medical Officer of all matters affecting the health of such children and includes physical examination by a School Nurse;

“ Minister ” means the Member of Executive Council responsible for education;

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

“ primary school ” means a school providing a course of instruction for all or any of the first six years of the school curriculum in accordance with a syllabus approved by the Director in respect of primary schools;

“ private school ” means a school which receives no assistance from public funds;

“ proprietor ”, in relation to any school, means the person or body of persons responsible for the management of the school either directly or through a manager appointed in that behalf, and for the purposes of the provisions of this Ordinance relating to applications to establish or open schools includes any person or body of persons proposing to be so responsible;

“ public funds ” means Government funds or the funds of a Local Authority;

“ pupil ” means a person of any age for whom education is provided in accordance with the provisions of this Ordinance;

“ school ” means an institution in which not less than ten pupils receive regular instruction and includes any assembly of ten or more pupils for the purpose of receiving regular instruction, but does not include—

(a) any institution or assembly in which the instruction is wholly or, in the opinion of the Director, mainly of a religious character;

(b) any institution owned and maintained by a religious society for the purpose of training persons for the ordained ministry or for admission to a religious order under the direction of or associated with such religious society; or

(c) any institution which is affiliated to any university in Great Britain;

“ School Committee ” means a School Committee appointed under section 21 or section 26, as the context may require ;

“ School Medical Officer ” means any officer of the Medical Department of Sierra Leone and any other registered practitioner appointed by the Director of Medical Services to act as a School Medical Officer;

“ School Nurse ” means any person appointed by the Director of Medical Services to be a School Nurse;

“ secondary school ” means a school to which pupils are admitted after completing, to the satisfaction of the Director, the approved course for primary schools and providing a course of instruction in accordance with a syllabus approved by the Director in consultation with the Board of Education in respect of secondary schools.

## PART II.—CONTROL OF EDUCATION.

3. The functions of the department shall be the performance of all work necessary or incidental to the control of education by the Minister and the exercise of any powers or the carrying out

Functions of  
the depart-  
ment.

of any duties that may be specifically conferred on it by this Ordinance or by any rule made thereunder.

Powers of  
Governor in  
Council.

4. (1) The Governor in Council may from time to time from funds voted for the purpose by the House of Representatives—

(a) establish, maintain or make grants in aid of schools;

(b) establish or maintain boarding houses ancillary to schools established or maintained under this Ordinance, and make grants or loans in aid of the establishment, maintenance or repair of such boarding houses or the making of additions or alterations thereto;

Provided that in the case of assisted schools the consent of the manager shall first have been obtained;

(c) make grants in aid of such of the following institutions as are constituted and administered in a manner approved by him—

(i) public libraries and museums;

(ii) orphanages, provided that grants in aid of such institutions may include grants in aid of the inmates thereof;

(iii) institutions or organisations which, in his opinion, promote the education or health of the children of Sierra Leone;

(iv) institutions or organisations for the education of adults;

(d) make grants in aid for the provision of meals at any Government school or assisted school;

(e) provide in whole or in part for transporting children to and from any Government school or assisted school;

(f) provide for the medical inspection of children attending school;

(g) provide for the regular inspection and supervision of schools;

(h) provide for the conduct of all such examinations as are held under the supervision of the department; and

(i) make such other provision for the carrying on of public education as may be consistent with the provisions of this Ordinance.

(2) Where a Local Authority fails to provide the amount set out in a precept issued by a Local Education Authority or any part of such amount in accordance with the terms of the precept

or any rules relating thereto the Minister may authorise the provision of such amount or part thereof as the case may be out of any funds payable by Government to such Local Authority for educational purposes.

5. The Minister may from time to time from funds voted for the purpose by the House of Representatives provide bursaries—

Bursaries.

(a) to assist in the education, maintenance or transport of children who are undergoing or are proceeding to undergo courses of instruction in any Government secondary school or assisted secondary school ;

(b) to assist in the education, maintenance or transport of pupils who are undergoing or are proceeding to undergo a course of training as teachers or other vocational or academic course in an institution approved by him for the purpose ;

(c) to assist in the education, maintenance or transport of pupils who are undergoing or are proceeding to undergo courses of instruction at institutions approved by him outside Sierra Leone ;

and may withdraw any such bursaries provided always that the grant or withdrawal of any bursaries shall be in accordance with and subject to the conditions prescribed by rules made under section 49.

### PART III.—BOARD OF EDUCATION.

6. (1) There shall be established a Board of Education (hereinafter called the Board) to advise the Minister in regard to matters affecting education in Sierra Leone.

Establishment constitution of Board of Education.

(2) The members of the Board shall be appointed by the Governor in Council, by notification in the *Gazette*, and shall include persons who have had experience of a system of education conducted in accordance with the provisions of any law relating to education in force in Sierra Leone either before or after the commencement of this Ordinance, as well as persons with experience of a system of education not so conducted.

7. (1) The members of the Board shall hold office for three years and shall be eligible for re-appointment.

Term of office of members.

(2) The Governor in Council may without assigning any reason therefor at any time revoke the appointment of any member of the Board.

Power to revoke appointment.

8. The Chairman of the Board shall be the Director or an officer of the department nominated by him in that behalf.

Chairman.

Secretary. **9.** The Director shall appoint an officer of the department to be the Secretary to the Board.

Appointment of substitute for absent member. **10.** If any member is unable to attend a meeting of the Board he may with the approval of the Director nominate a fit and proper person to represent him on the Board at such meeting and such person shall be entitled to vote.

Meetings of Board. **11.** The Board shall hold meetings at such times as may be prescribed by the Director by regulations made under section 50, and the procedure to be followed at such meetings shall be in accordance with the provisions of such regulations.

Functions of Board. **12.** The functions of the Board shall be—  
 (a) to advise the Minister upon the following matters—  
 (i) the organisation of education ;  
 (ii) the fees to be charged in Government schools, and in boarding houses ancillary to Government schools ;  
 (iii) proposed legislation affecting education ;  
 (iv) any matter affecting education submitted by two members of the Board ;  
 (v) any other matter referred to the Board by the Minister or by the Director:  
 Provided that the Board shall not advise on the terms and conditions of service of teachers;  
 (b) to advise the Director on any matter in respect of which the Director is empowered to make regulations under section 50.

#### PART IV.—LOCAL EDUCATION AUTHORITIES.

Power to establish Local Education Authorities. **13.** The Governor in Council may establish a Local Education Authority in and for any area where the establishment of such an authority is in his opinion likely to assist the organisation and development of education :

Provided that the Governor in Council may constitute a Local Authority as the Local Education Authority for the area over which the said Local Authority has jurisdiction.

Constitution of Local Education Authorities. 15 of 1957. **14.** (1) A Local Education Authority (other than a Local Authority constituted a Local Education Authority) shall consist of the senior Administrative Officer in the area in and for which such Local Education Authority is established or a

deputy nominated by him, and the following additional members—

(a) in areas where there is one Local Authority—

(i) an employee of the Local Authority appointed by the Local Authority to be a member of and Secretary to the Local Education Authority ;

(ii) four members appointed by the Local Authority ;  
and

(iii) such other persons not exceeding four in number, having experience in education or being acquainted with the educational conditions in the area, as the Minister may from time to time appoint ;

(b) in areas where there are two or three Local Authorities—

(i) an employee of one of the Local Authorities, appointed by the Minister after consultation with the Local Authorities, to be a member of and Secretary to the Local Education Authority ;

(ii) two members appointed by each Local Authority ;  
and

(iii) such other persons having experience in education or being acquainted with the educational conditions in the area as the Minister may from time to time appoint, provided that they shall not exceed in number those appointed under sub-paragraph (ii) of this paragraph ;

(c) in areas where there are four or more Local Authorities—

(i) an employee of one of the Local Authorities, appointed by the Minister after consultation with the Local Authorities to be a member of and Secretary to the Local Education Authority ;

(ii) one member appointed by each Local Authority ;  
and

(iii) such other persons having experience in education or being acquainted with the educational conditions in the area as the Minister may from time to time appoint, provided that they shall not exceed in number those appointed under sub-paragraph (ii) of this paragraph :

Provided that the provisions of this sub-section relating to the inclusion, among the members of a Local Education Authority, of the senior Administrative Officer in the area or his

deputy, shall not apply to any Local Education Authority established in and for the City of Freetown or the Rural Area of the Colony.

(2) The Chairman and Vice-Chairman of a Local Education Authority shall be elected by the members thereof from among their number, and shall hold office for one year from the date of election but shall be eligible for re-election.

Term of office of members. Power to revoke appointment. 15 of 1957.

15. (1) The members of a Local Education Authority (other than a Local Authority constituted a Local Education Authority) shall hold office for a period of three years and shall be eligible for re-appointment.

(2) The Governor in Council may, without assigning any reason therefor, at any time revoke the appointment of any member provided that in the case of members appointed under section 14 (1) (a) (i) or (ii), section 14 (1) (b) (i) or (ii), or section 14 (1) (c) (i) or (ii), such revocation shall only be after consultation with the Local Authority concerned.

Meetings of Local Education Authorities.

16. A Local Education Authority shall hold meetings at such times as may be prescribed by the Director by regulations made under section 50, and the procedure to be followed at such meetings shall be in accordance with the provisions of such regulations.

Functions of Local Education Authorities.

17. The functions of a Local Education Authority shall be as follows—

(a) generally to organise and develop education in primary schools within the area in and for which it is established, and to make recommendations, where necessary, to the appropriate authority;

(b) to control, in accordance with regulations made under section 50, the establishment of new primary schools within each area;

(c) subject to the approval of the Minister, from time to time to issue precepts to the appropriate Local Authority for the amounts of money required to maintain assisted primary schools in the area of such Local Authority and thereupon the Local Authority shall provide the amounts set out in such precepts in accordance with the terms thereof or of any rules made under section 49;

(d) to allocate, subject to the approval of the Director, grants in aid of primary schools within such area in accordance with rules made under section 49, such allocations being



made from funds placed at its disposal by the Director or by a Local Authority ;

(e) subject to the provisions of any law for the time being in force, relating to the use of land, to determine questions regarding sites for the establishment of primary schools within such area ;

(f) to advise the Director generally upon any educational matters referred to it by him or by the Provincial Commissioner of any Province in which such area is included.

**18.** (1) Where a Local Authority is constituted a Local Education Authority, such Local Authority shall establish an Education Committee for the efficient discharge of its functions in respect of education.

Education  
Committees.

(2) Every such Education Committee shall include persons of experience in education and persons acquainted with the educational conditions prevailing in the area for which the Committee acts :

Provided that at least half of the members of the Committee shall be members of the Local Authority.

(3) Every Local Authority which is constituted a Local Education Authority shall—

(i) consider a report from its Education Committee before exercising any of its functions with respect to education ;

(ii) have power to authorise its Education Committee to exercise on its behalf any of its functions with respect to education except the power to borrow money or to raise a rate.

#### PART V.—JOINT EDUCATION COMMITTEES.

**19.** Whenever it appears to the Minister to be expedient that two or more Local Education Authorities or Education Committees (in this section and section 20 called the Authorities) should combine for the purpose of exercising some but not all of their functions with respect to education and that the Authorities should establish a Joint Committee for that purpose, the Minister may, after consultation with the Authorities, by Order establish a Joint Education Committee of the Authorities and direct the reference to the Committee of such questions relating to the functions of the Authorities as, in his opinion, should be so referred ; and any such Order may provide for authorising the Joint Education Committee to exercise any of such functions on behalf of the Authorities.

Establish-  
ment and  
functions  
of joint  
Education  
Committees.

Constitution  
of joint  
Education  
Committee.

**20.** (1) The constitution of the Joint Education Committee shall be as the Minister, after consultation with the Authorities, may direct, and the Chairman thereof shall be appointed by the Minister.

(2) The Minister may appoint to any such Joint Education Committee additional members, being persons of experience in education or acquainted with the educational conditions in the area for which the Joint Education Committee acts :

Provided that one-half at least of the members of any Joint Education Committee shall be members of one or other of the Authorities concerned.

Meetings.

(3) A Joint Education Committee shall hold meetings at such times as may be prescribed by the Director by regulations made under section 50, and the procedure to be followed at such meetings shall be in accordance with the provisions of such regulations.

#### PART VI.—SCHOOL COMMITTEES.

Establish-  
ment and  
constitution  
of School  
Committees  
for Govern-  
ment  
schools.

**21.** (1) If in the opinion of the Director it is in the interests of any Government school or group of Government schools that a School Committee should be established therefor, or if the Director receives a requisition in writing signed by not less than one-half of the parents of the children attending such school or group of schools for a School Committee to be established, he shall make a recommendation in that behalf to the Minister, who shall appoint a School Committee for such school or group of schools.

(2) A School Committee established under sub-section (1) of this section shall not consist of less than three or more than nine members, as the Director shall think fit :

Provided that in the case of a Government school established to meet the educational requirements of Sierra Leone as a whole and not of any particular locality, the constitution of a School Committee for such school shall be as the Minister may direct.

(3) The Chairman of a School Committee established under sub-section (1) of this section shall be elected by the members thereof from among their number, and shall hold office for one year from the date of election but shall be eligible for re-election.

Power to  
appoint  
additional  
members.

**22.** The Minister may appoint as an additional member of any School Committee established under section 21 any person who in his opinion is a benefactor of the school or any of the schools for which such School Committee is established.

**23.** (1) One-third, or as near as may be, of the members of a School Committee established under section 21, other than any additional member appointed under section 22, shall retire every twelve months in rotation, but shall be eligible for re-appointment.

Term of office of members.

(2) The Minister may without assigning any reason therefor at any time revoke the appointment of any member.

Power to revoke appointment.

(3) If any member of a School Committee established under section 21 shall be absent from two consecutive meetings thereof without the leave of the Chairman or an explanation satisfactory to the Committee, he shall be deemed to have resigned therefrom.

**24.** A School Committee established under section 21 shall hold meetings at such times as may be prescribed by the Director by regulations made under section 50, and the procedure to be followed at such meetings shall be in accordance with the provisions of such regulations.

Meetings of School Committees.

**25.** The functions of a School Committee established under section 21 shall be—

Functions of School Committees.

(a) to advise regarding the buildings and premises of any school for which it is established ;

(b) to recommend the reduction or remission of any fees payable at any such school in respect of children whose parents are, in the opinion of the School Committee, unable to pay such fees in whole or in part ;

(c) to consider and decide all applications for admission or re-admission of pupils to any such school, subject to the right of any person aggrieved by any such decision of the Committee to appeal to the Director whose decision shall be final ;

(d) to report, when called upon to do so by the Director, on boarding houses, other than boarding houses maintained by Government, for children in attendance at any such school ;

(e) to report on the expenditure of grants in aid of such boarding houses ;

(f) to advise generally on matters affecting the interests of any school for which it is established :

Provided that such School Committee shall have no control or authority over any teacher or servant appointed by the Government.

Establishment of School Committees in respect of assisted schools.

26. (1) Whenever it appears to the Minister that it would be to the public advantage to establish a School Committee for any assisted school or group of assisted schools, he may direct that a School Committee shall be established for such school or group of schools and may appoint thereto a number of members not exceeding half the number appointed by the manager or managers of the said school or group of schools :—

Provided that—

(a) where any Local Authority makes a grant in aid of such school or of any school included in such group of schools the membership of the School Committee shall be appointed as to one-fourth by the Minister, one-fourth by the Local Authority and one-half by the manager or managers ;

(b) when any such school or group of schools is managed by a Local Authority, the membership of the School Committee shall be appointed as to one-third by the Minister and two-thirds by the Local Authority.

(2) Any School Committee established under this section shall perform, in respect of any school for which it is established, functions similar to those performed by a School Committee established under section 21, so far as the same may be applicable.

Existing School Committees.

(3) The Minister may recognise any existing School Committee the constitution of which is in conformity with the provisions of section 21 or of this section, and any School Committee so recognised shall be deemed to have been established under section 21 or under this section, as the case may be.

#### PART VII.—PRIVATE AND ASSISTED SCHOOLS.

Application.

27. The provisions of this Part shall not apply to Government schools.

Establishment of private schools.

28. (1) From the date of the commencement of this Ordinance no person shall establish or open any new school without the prior written authority of the Director, or, in the case of a primary school, of the Local Education Authority for the area or district in which such primary school is situate, where such Local Education Authority has been established.

(2) Any application to establish or open a new school shall be in such form as may be prescribed by the Director by regulations made under section 50.

(3) Permission to open a new school may be refused by the Director, or by any Local Education Authority to which application in that behalf has been made, in any case where the Director or such Local Education Authority, as the case may be, is satisfied that—

Refusal of permission to open new schools.

(a) the proprietor or manager is not normally resident in Sierra Leone ;

(b) the proprietor or manager is not a fit and proper person to be in charge of a school ;

(c) the site, building or equipment of the proposed school is not suitable or adequate for the purpose ;

(d) the proposed teaching staff have not the qualifications required to give efficient instruction in the subjects which it is proposed to teach ;

(e) the proposed curriculum is unsuited to the age, ability and aptitude of the pupils ; or

(f) having regard to the educational facilities already available in the area, the establishment of the proposed school would not be in the public interest.

(4) If any person whose application has been refused in accordance with the provisions of sub-section (1) of this section is aggrieved he may within thirty days of the notice of refusal being served upon him appeal to the Board. The Board shall not determine the appeal but shall make recommendations thereon to the Minister whose decision shall be final.

**29.** (1) Every school shall be registered by the proprietor thereof at the office of the department, in the case of a school opened before the commencement of this Ordinance and in being on the date of such commencement within six months from such date, and in the case of a school opened after the commencement of this Ordinance within six months from the date on which written authority to open such school shall have been obtained in accordance with the provisions of section 28.

Registration of schools.

(2) The registration of schools and applications therefor shall be in such form as may be prescribed by the Director by regulations made under section 50.

(3) If upon receipt of an application for registration of a school the Director is of the opinion that any of the conditions mentioned in sub-section (3) of section 28 applies to such school, he may refuse to register such school and, if he so refuses, shall serve upon the proprietor or manager a notice containing full particulars of the grounds of such refusal :

Provided that where written authority to open a primary school has been given by a Local Education Authority, the Director shall not refuse to register such primary school without prior consultation with such Local Education Authority.

(4) If, in the opinion of the Director the matters by reason of which registration is refused are irremediable, it shall be so stated in the notice, and if in his opinion they are remediable, the notice shall specify the measures necessary, in his opinion, to remedy the same and shall specify the time within which such matters are required to be remedied.

(5) The proprietor or manager, as the case may be, may appeal to the Board within thirty days from the service of the notice. The Board shall not determine the appeal but shall make recommendations thereon to the Minister.

(6) On receipt of the recommendations of the Board under sub-section (5) of this section the Minister, after making such enquiries as he shall think fit, may—

(a) direct that the notice be annulled ;

(b) direct the proprietor or manager, as the case may be, without closing the school to comply with the requirements of the notice within the time specified therein or within such extended time as the Minister may, in his discretion allow, and further direct that, if the requirements of the notice are not complied with to the satisfaction of the Director within the time specified or allowed, the school be closed ;

(c) direct that the school be closed for such period, to be specified in the order, as he deems necessary to enable the requirements of the notice to be complied with to the satisfaction of the Director ; or

(d) direct that the school be closed forthwith or within such time as may be specified in such directions.

Duties of  
managers of  
private  
schools.

**30.** (1) Without prejudice to the provisions of any other law for the time being in force in Sierra Leone it shall be the duty of the manager of any school—

(a) to keep a register of teachers employed thereat, showing the qualifications of such teachers ;

(b) to ensure that all teachers employed at the school are fit and proper persons to be in charge of children and are qualified to give instruction in one or more subjects of the curriculum in force at the school ;

(c) to ensure that the head teacher or teacher keeps a roll of the pupils enrolled at the school and a register of the daily attendance of such pupils in the form prescribed by the Director and furnishes to the department at such times and for such periods as the Director may require correct returns, in the form prescribed by the Director by regulations made under section 50, of the entries in any register as aforesaid ;

(d) to keep such records, statistics and accounts and to make such returns and reports to the department at such times and in such manner as may be prescribed by the Director by regulations made under section 50 ;

(e) to ensure that the school is conducted properly and in accordance with a curriculum approved by the Director ;

(f) to ensure that the school premises and site are maintained in a manner satisfactory to the Director ;

(g) to ensure that the accommodation provided at the school premises is adequate and suitable having regard to the number, age and sex of the pupils enrolled in the school ;

(h) to inspect the school while in session, or cause it to be so inspected by a person approved by the Director, twice in each year with an interval of not less than three months between each inspection.

(2) It shall be the duty of the manager of any school to produce or cause to be produced, on demand by the Director or any officer of the department either generally or specially authorised in writing by the Director in that behalf, or, in the case of a primary school, by any person either generally or specially authorised in writing in that behalf by the Local Education Authority for the area in which such school is situate, any such roll, register, records, statistics and accounts as are mentioned in sub-section (1) of this section.

**31.** (1) If, as a result of any inspection of any school in accordance with any of the provisions of section 44, the Director or any Local Education Authority is satisfied that the manager thereof has failed to carry out any of the duties mentioned in sub-section (1) of section 30, or if the manager of any school refuses to comply with a demand made to him in accordance with the provisions of sub-section (2) of section 30, the Director or the Local Education Authority, as the case may be, may serve upon the proprietor or manager of such school a notice containing full particulars of the matters complained of and specifying the measures necessary, in the opinion of the Director or the Local Education Authority, to remedy such matters and

Notice to  
remedy  
defects.

specifying the time within which they are required to be remedied. Measures which may be specified in the exercise of the powers hereby conferred shall include, in the case of assisted schools, the removal or replacement of managers.

(2) The proprietor or manager, as the case may be, may appeal to the Minister within thirty days from the service of the notice.

(3) On receipt of an appeal under sub-section (2) of this section the Minister, after making such enquiries as he shall think fit, may give any directions which it would be lawful for him to give under sub-section (6) of section 29 in the case of an appeal against a refusal by the Director to register a school.

Penalties.

**32.** (1) Any person who shall establish or open a new school without the prior written authority of the Director or of the Local Education Authority for the area in which such school is situate, as the case may be, shall be guilty of an offence and shall be liable on summary conviction therefor to a fine not exceeding ten pounds and to a further fine not exceeding one pound for each and every day during which such school is kept open.

(2) Any proprietor or manager who shall—

(a) where he has been served with a notice issued by the Director or a Local Education Authority under sub-section (1) of section 31 and has not appealed against such notice, keep open a school in respect of which he has been served with such notice, the requirements of such notice not having been complied with to the satisfaction of the Director or the Local Education Authority, as the case may be, or

(b) keep open a school in respect of which the Minister in exercise of the powers conferred upon him by sub-section (6) of section 29 or sub-section (3) of section 31 has given a direction that it be closed,

shall be guilty of an offence and shall be liable on summary conviction therefor to a fine not exceeding twenty-five pounds and to a further fine not exceeding five pounds for each and every day during which such school is kept open, and in the case of a second or subsequent conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment, and to a further fine of ten pounds for each and every day during which such school is kept open.



## PART VII.—TEACHERS.

**33.** (1) Every school in which more than one teacher is employed shall have a head-teacher, who shall be appointed in the case of a Government school by the Director, in the case of an assisted school by the proprietor thereof or the manager acting on his behalf with the approval of the Director, and in the case of a private school by the proprietor thereof or the manager acting on his behalf.

Appoint-  
ment and  
functions of  
head-  
teachers.

(2) The head-teacher of a school shall be responsible, subject in the case of a Government school or assisted school to any regulations made by the Director under section 50, for the general control and supervision of the instruction and discipline and for the organisation of the classes therein.

**34.** In the sections hereinafter contained in this Part, unless the context otherwise requires, the expression “ teacher ” shall include a head-teacher.

Interpre-  
tation of  
this part.

**35.** (1) No person shall be employed as a teacher in any school unless he holds a certificate issued by the department in accordance with the provisions of this section ;

Certificates  
and licences  
for teachers  
in any  
school.

Provided that—

(a) the Director may recognise any certificate issued otherwise than under the provisions of this section to any person employed as a teacher in any school and such recognition shall have effect as if such certificate had been issued to such person under this section ; and

(b) the Director may cause a licence to be issued to any person who is or may be employed as a teacher in any school if in his opinion such person has had such experience of teaching in a school and has attained such a standard of proficiency in teaching as to warrant his employment as a teacher in a school, and the issue of such licence shall have effect as if a certificate had been issued to him under this section.

(2) Every certificate and licence issued by the department under this section shall be in such form as may be prescribed by the Director by regulations made under section 50, and shall be signed by the Director or by an officer of the department authorised by the Director in that behalf.

(3) The qualifications to be possessed and the conditions to be fulfilled by any teacher in order to obtain a certificate under this section shall be such as may be prescribed by the Director by regulations made under section 50.

Cancellation and suspension of certificates and licences.

**36. (1)** The Director may cancel or suspend a certificate or licence issued to any teacher under section 35 and may where he has recognised any certificate in accordance with the provisions of the said section withdraw or suspend his recognition thereof, if in his opinion, after due enquiry, such teacher—

(a) has conducted himself in a manner calculated to be detrimental to the physical, mental or moral well-being of the pupils attending any school at which he is or may be employed ; or

(b) has failed to attain or maintain the standard of proficiency which the Director considers necessary for the purpose of education in a school.

(2) Any teacher who is aggrieved by any decision of the Director in pursuance of the provisions of this section may, within thirty days of the communication to him of such decision, appeal to the Minister whose decision shall be final.

Registration of teachers.

**37. (1)** A Register of Teachers (hereinafter called the Register) shall be kept in the office of the department.

(2) No person shall be enrolled in the Register unless he holds a valid certificate or licence issued, or certificate recognised, under section 35, and the registration of any teacher whose certificate or licence has been cancelled or suspended, or the recognition of whose certificate has been withdrawn or suspended, under section 36, shall be cancelled or suspended accordingly.

(3) No person shall teach in any Government school or assisted school unless he has been enrolled in the Register, and no person shall teach in any such school after his name has been deleted from the Register or during any period of suspension.

(4) The procedure regulating the registration of teachers shall be such as may from time to time be prescribed by the Director by regulations made under section 50.

(5) Any person who contravenes any of the provisions of this section and any proprietor or manager of an assisted school who knowingly permits such contravention shall be liable on summary conviction to a fine not exceeding five pounds, and to an additional fine not exceeding one pound in respect of each and every day during which such contravention continues.

**38.** The provisions of section 35 and section 37 shall not apply to the teaching of religion by persons other than registered teachers, or to the teaching of any particular subject by a person who is not a registered teacher in cases where the approval of the Minister has been obtained.

Exemption of certain teachers from the provisions of sections 35 and 37.

**39.** (1) The appointment of teachers in any assisted school shall lie with the proprietor thereof or the manager acting on his behalf but every appointment of a teacher to, or dismissal of a teacher from such school, or transfer of a teacher from one school to another school, shall be subject to the prior approval of the Director.

Teachers in assisted schools to be approved by the Director.

(2) The manager of an assisted school may be required to dismiss any teacher upon the order of the Director approved by the Minister and refusal to comply with such order shall entitle the Director to refuse or withhold any grant payable to such school.

**40.** (1) For the purpose of considering the remuneration and conditions of service of teachers the Governor in Council may establish one or more Committees appointed by him consisting of an equal number of persons representing employers and teachers respectively, and the Chairman of any such Committee shall be appointed by the Governor in Council.

Advisory Committees on remuneration and conditions of service of teachers.

(2) The functions of any such committee shall be—

(a) to submit to the Governor in Council, whenever it thinks fit or whenever it may be required by him to do so, such scales of remuneration for teachers in Government schools and assisted schools as it considers suitable, having regard to the terms and conditions of service of persons in the Public Service ;

(b) to advise the Governor in Council with regard to all matters relating to the conditions of service of teachers in Government schools and assisted schools ;

(c) to advise the Governor in Council on such other matters as may be referred to it by him.

(3) Whenever the scales of remuneration so submitted shall have been approved by the Governor in Council, with the advice and consent of the House of Representatives, the Governor in Council may determine the date on which such scales shall come into operation, and may make any provisions which appear to him to be desirable for the purpose of ensuring that the remuneration paid to all approved full-time teachers in Government schools and assisted schools is in accordance with such scales.

Sub-  
committees.  
15 of 1957.

41. (1) Any committee established under section 40 shall have power to appoint a sub-committee consisting of an equal number of members representing employers and of members representing teachers, to determine in accordance with the conditions of service approved from time to time, any appeal submitted by a teacher who may be aggrieved by the manner in which such terms and conditions of service, including salary, have been applied to him.

(2) The Minister shall, by Order published in the *Gazette*, appoint a person who shall neither be an employer, nor a representative of any employer or group of employers, nor a teacher, nor a representative of any group of teachers, to be Chairman of any sub-committee appointed under the provisions of sub-section (1).

(3) The procedure for submitting any such appeal shall be as prescribed by any sub-committee appointed under the provisions of sub-section (1) by regulations published in the *Gazette*.

#### PART IX.—FEES.

Fees in  
Government  
schools.

42. (1) The fees payable in any Government school (hereinafter called the prescribed fees) shall be such, and shall be payable in respect of such matters, as may be prescribed by rules made under section 49:

Provided that the Governor in Council may, at any time and for such period as he shall think fit, direct that the prescribed fees shall be remitted or reduced in any Government school or class of Government schools.

(2) The prescribed fees shall, at the discretion of the Director, be paid by the month or by the term in advance to the head-teacher or to such other person as the Director may specify, and any child in respect of whom any of the prescribed fees are due and owing may be refused admission or re-admission, as the case may be, to any Government school or, if he has been re-admitted, may be excluded from such school until all the prescribed fees due up to the date of such exclusion has been paid:

Provided that such exclusion shall not take place except after consultation with the School Committee, or if there is no School Committee, with the Director or an officer of the department authorised by him in that behalf.

(3) The Director may remit the whole or any part of the prescribed fees if he is satisfied that the parent of any child in

respect of whom such fees are due or payable is unable to pay such fees or is unable to pay such fees in full.

43. All the prescribed fees whether paid or recovered by legal proceedings shall be accounted for and paid into the general revenue of Sierra Leone.

Fees to be paid into general revenue.

#### PART X.—MISCELLANEOUS.

44. (1) It shall be the duty of the Director to cause inspection of every school to be made by Inspectors at such intervals as he shall think fit:

Inspection of schools.

Provided that the Director shall not be required to cause inspections to be made of any school during any period in which he is satisfied that suitable arrangements are in force for the inspection of such school otherwise than in accordance with the provisions of this sub-section.

(2) In addition to any inspections which the Director shall cause to be made in accordance with the provisions of sub-section (1) of this section, the Director may inspect any school, or cause any school to be inspected by any Inspector or by any other person specially authorised in writing by the Director to inspect such school in his name and on his behalf.

(3) The Director, any Inspector and any other person specially authorised by the Director as provided in sub-section (2) of this section may, when making an inspection of any school in exercise of the powers thereby conferred, inspect the school premises and anything appertaining thereto or contained therein.

(4) The Local Education Authority for any area may, with the approval of the Director, in writing authorise any person, either generally or in any particular case, to inspect any primary school in such area, and in any such case such person may exercise, in respect of such primary school, all the powers conferred by sub-section (3) of this section upon the Director, any Inspector or any other person inspecting any school in accordance with the provisions of sub-section (2) of this section.

(5) Without prejudice to the provisions of any other law for the time being in force in Sierra Leone, it shall be an offence to obstruct any person lawfully carrying out or preparing to carry out an inspection in pursuance of the provisions of this section and any person guilty of causing or conspiring or attempting to cause or of instigating or aiding such obstruction shall be liable on summary conviction to a fine not exceeding five pounds or,

in the case of a second or subsequent offence, to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding one month or to both such fine and imprisonment.

Institution  
and conduct  
of pro-  
ceedings.

45. (1) No proceedings shall be instituted against any person in respect of any offence punishable under this Ordinance except by the Director or in the name of the Director by a person specially authorised in writing by the Director in that behalf or, in the case of an offence in respect of a primary school, where such school has been established or opened without the prior written authority of a Local Education Authority or a notice under sub-section (1) of section 31 has been served by a Local Education Authority upon the proprietors or manager of such school or where the offence is committed in respect of a demand by a person authorised in that behalf by a Local Education Authority under sub-section (2) of section 30 or in respect of an inspection of such school by a person authorised in that behalf by a Local Education Authority under sub-section (4) of section 44 in the name of such Local Education Authority, by a person specially authorised in writing in that behalf under the hand of the Chairman of such Local Education Authority.

(2) When any proceedings are brought in respect of an offence punishable under this Ordinance it shall be lawful for the Director or the Chairman of the Local Education Authority as the case may be in writing to appoint any person to conduct such proceedings in Court.

(3) Any document purporting to bear the signature of the Director or of the Chairman of a Local Education Authority shall, for the purpose of this section, be received as *prima facie* evidence in any proceedings without proof being given that the signature to such document is that of the Director or the Chairman as aforesaid as the case may be.

(4) Any officer of the department, appointed in that behalf by the Director by notice in the *Gazette*, may institute and conduct legal proceedings in the name of the Director for the recovery of any fees due in respect of any pupil at any Government school.

(5) Nothing in this section shall be held to derogate from the powers of the Attorney General in respect of prosecutions, or of claims by the Government against private persons.

Compulsory  
attendance.

46. (1) If the Governor in Council is of the opinion that the attendance of pupils enrolled at any Government school or assisted school where no fees are charged should be made com-

pulsory he may, after consultation with the Local Authority for the area or district in which such school is situate, provide for such compulsory attendance by rules made under section 49.

(2) Nothing in this section shall be construed as empowering the Governor in Council to make rules providing for the compulsory enrolment of any child at any school.

47. Every pupil in attendance at a Government school or assisted school shall be liable to medical inspection in such manner and at such times and places as may be prescribed by the Governor in Council by rules made under section 49. Medical inspection.

48. (1) Any child attending a Government school or assisted school and undergoing a course of training in any trade or vocation may be bound by a Form of Apprenticeship, to be prescribed by the Governor in Council by rules made under section 49, to complete such course of training unless released therefrom with the authority of the Director. Apprenticeship.

(2) No stamp duty shall be payable on any agreement made under this section.

#### PART XI.—RULES AND REGULATIONS

49. (1) The Governor in Council may make rules for the better carrying out of the purposes of this Ordinance. Rules.

(2) Without prejudice to the generality of the powers conferred by sub-section (1) such rules may—

(a) prescribe the conditions governing admission to Government schools;

(b) prescribe the conditions governing the expulsion or exclusion of pupils from Government schools or assisted schools on the grounds of discipline or age;

(c) prescribe the grounds upon which and the manner in which corporal punishment may be administered in Government schools and assisted schools;

(d) prescribe, subject to the provision of section 46, for the compulsory attendance at any Government school or assisted school of the pupils enrolled thereat;

(e) prescribe the conditions governing the payment of grants in aid of schools, boarding houses and other institutions to which grants may be made in accordance with the provisions of this Ordinance, the conditions under which and the manner in which Local Education Authorities may allo-

cate grants in aid of primary schools, and the grounds upon which such grants may be revoked or withheld;

(*f*) prescribe the conditions governing the grant and withdrawal of bursaries for the maintenance of pupils in schools and other institutions in Sierra Leone or elsewhere;

(*g*) prescribe such fees as the Governor in Council is empowered to prescribe by any of the provisions of this Ordinance;

(*h*) prescribe the manner in which and the times and places at which the medical inspection and treatment of children attending Government schools or assisted schools shall be carried out, and providing for the exclusion from any Government school or assisted school, either permanently or for any specified period, of any pupil who refuses or fails to undergo medical inspection or any medical treatment which a School Medical Officer considers to be necessary, or who is suffering from any infectious or contagious disease which is likely, in the opinion of a School Medical Officer, to be detrimental to the health of other pupils attending such school;

(*i*) prescribe the conditions for securing liberty of conscience and due respect for the religious beliefs of teachers and pupils at Government schools and assisted schools;

(*j*) prescribe the conditions under which pupils may, for the purpose of learning a trade or becoming teachers, be apprenticed to the Director or his representative or to the person in charge of any institution approved by the Director;

(*k*) prescribe the duties of officers appointed under this Ordinance and conferring upon such officers the powers necessary for giving effect to the provisions thereof;

(*l*) prescribe such forms as the Governor in Council is empowered to prescribe under any of the provisions of this Ordinance;

(*m*) regulate the issue of precepts by Local Education Authorities to Local Authorities, the manner in which such precepts shall be carried out and all other matters incidental thereto.

Power of  
Director to  
make  
regulations.

**50.** The Director may, in consultation with the Board, make regulations—

(*a*) prescribing the courses and subjects of instruction to be given in Government schools and assisted schools;



(b) prescribing the times at which meetings of bodies established under this Ordinance shall be held, and the procedure to be followed at such meetings;

(c) prescribing the manner in which applications for the establishment and opening of new schools shall be submitted;

(d) prescribing the conditions under which and the manner in which Local Education Authorities may control the establishment of new primary schools;

(e) prescribing the conditions governing the issue of certificates to teachers, and the qualifications required therefor;

(f) prescribing the procedure regulating the registration of teachers;

(g) prescribing the records, statistics and accounts to be kept, and the returns and reports to be made to the department, and the manner in which such records, statistics and accounts shall be kept and the manner in which and the times at which such returns and reports shall be made, by the managers or private schools and the head-teachers of assisted schools;

(h) prescribing the conditions of examinations to be held by or under the supervision of the department and the fees payable in respect thereof;

(i) prescribing the conditions governing the use of Government school buildings out of school hours;

(j) prescribing such forms as the Director is empowered to prescribe under any of the provisions of this Ordinance;

(k) providing for or prescribing any other matter or thing which the Director is empowered to provide for or prescribe under this Ordinance.

**51.** The Education Ordinance, 1938, is hereby repealed:

Repeal and  
saving.\*

Provided that any Rules made under that Ordinance and under the Education Ordinance, 1929, which are in force immediately prior to the date of the commencement of this Ordinance, shall continue in force until they are revoked by Rules made under this Ordinance.

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\* The Education Ordinance, 1938, was Chapter 68 of the 1946 Edition of the Laws.