

*To be construed with Ord 12 of 1932.*

## CHAPTER 196.

### EDUCATION.

[No. III of 1876.]

[No. XLIII of 1927.]

[3rd February, 1877.]

[29th October, 1927.]

Short title.

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

### PART I.

#### ELEMENTARY EDUCATION.

Interpretation.

2.—(1) In this part of this Ordinance, unless the context otherwise requires,—

“parent” includes guardian and everyone who is liable to maintain or has the actual custody of a child, and every male person cohabiting with the mother of a child, whether he is the father of the child or not;

“father” includes the reputed father and every male person cohabiting with the mother of a child, whether he is the father of the child or not;

“teacher” includes assistant teacher, pupil teacher, sewing mistress, and everyone who forms part of the educational staff of a school;

“managers,” when used with reference to a school, includes all those who have the management of any elementary school or day industrial school, whether the legal interest in the schoolhouse is or is not vested in them;

“schoolhouse” includes a play-ground and all offices required for a school;

“colonial grant” means a grant made for the support or in aid of an elementary school or day industrial school, either annually or otherwise, from the revenues of the colony;



- “ elementary school ” means a school, or department of a school, at which elementary education is the principal part of the education there given;
- “ aided school ” means an elementary school the managers of which receive any grant-in-aid from the colonial revenues;
- “ colonial school ” means an elementary school established by the Director of Education and maintained from colonial revenues;
- “ industrial school ” means any elementary school in which theoretical and practical instruction in agriculture or in any trade or trades, or in both, is given and which is recognised under the regulations as an industrial school;
- “ educational district officer ” means an officer appointed to carry out the provisions of this Ordinance in any educational district;
- “ authorised person ” means anyone who under this Ordinance has and is entrusted with the same rights, powers, privileges, and functions as an educational district officer;
- “ prescribed ” means prescribed by regulations made under this Ordinance;

(2) Reference to forms is made to the forms given in the schedule to this Ordinance.

#### THE EDUCATION DEPARTMENT.

3. His Majesty may appoint a Director of Education for the colony (hereinafter called “ the Director ”), and the Governor may appoint one or more inspectors of schools, who shall receive the salaries or emoluments from time to time provided for that purpose by the Legislative Council, and who shall hold office during pleasure :

Director of Education and inspectors of schools :

Provided that whenever in any Ordinance, by-law, regulation, rule, code, or document, passed or made before the commencement of this Ordinance, the term “ the inspector of schools ” is mentioned, that term shall be held to apply to and mean anyone who has hitherto held the office of the inspector of schools or acting inspector of schools.

Proviso.

4. The Director shall submit annually, to be laid before the Governor, a report on the state of elementary education throughout the colony, in the form and containing information with regard to the particulars directed by the Governor.

Annual report on elementary education.



Power to inspect schools receiving public money.

5. The Director and every inspector of schools shall have full power and authority to enter, visit, and inspect every school or schoolhouse and all the premises or offices used therewith, where the managers of the school have received or have applied for any aid from colonial revenues within the next preceding twelve months.

Reference of complaints against teacher to magistrate for investigation.

6.—(1) If a teacher in a school receiving aid from colonial revenues is charged by anyone with immoral conduct as teacher or otherwise, or cruel or improper treatment of any of the children or pupils attending the school, the Director may transmit a statement, specifying the particular acts in respect whereof the charge is made, to the magistrate of the judicial district within which that school is situate; and the magistrate shall thereupon cause a copy of the statement to be served on the teacher, together with a summons requiring the teacher to appear before him at any time to be therein appointed, but not less than eight days from the day of the service of the summons.

(2) The teacher, if he thinks fit, may answer the particulars of the complaint in writing, or may plead orally that he is not guilty; and the magistrate shall proceed to hear the complaint and take evidence upon oath in the same manner as if the complaint were a complaint in a civil matter over which the magistrate had jurisdiction and the teacher was the defendant therein.

(3) The magistrate shall transmit to the Director the evidence taken by him, with a report of what in his opinion is the effect and weight thereof.

Power to cancel certificate in certain cases.

7. If any teacher holding a certificate granted by the Director or other authority in the colony is, in the opinion of the magistrate and the Director, guilty of immoral conduct as teacher or otherwise, or of cruel or improper treatment of any of the children or pupils under his charge, the Director may cancel the certificate or suspend the operation thereof for any time to him seeming meet.

Consequence of cancellation or suspension.

8. No teacher whose certificate has been cancelled or suspended shall be employed in any aided school until, in the case of suspension, the period of suspension has expired, and no school, whether an aided school or not, in which a teacher whose certificate has been cancelled or suspended as aforesaid is employed shall be deemed to provide efficient elementary education.



EDUCATIONAL DISTRICTS.

9.—(1) The Governor in Council may, by proclamation published in the Gazette, declare that any portion of the colony specified in the proclamation shall form a district for educational purposes; and that district shall be called an educational district.

Declaration of educational districts.

(2) The Governor in Council may in like manner add to or diminish the number of those districts and alter the limits of any district as from time to time appears to be necessary.

EDUCATIONAL DISTRICT OFFICERS.

10.—(1) For more effectually carrying out the provisions of this Ordinance, the Governor may appoint one or more officers for each educational district, who shall hold office during the Governor's pleasure.

Appointment:

(2) The officers shall be called educational district officers and shall receive the salaries provided for them by the Legislative Council.

(3) Every member of the Legislative Council, minister of religion, justice of the peace, inspector of schools, assistant inspector of schools, school manager, certificated principal teacher of a school authorised in writing by the manager of his school, member of any town or village council, commissary of taxation, Government officer appointed under the Crown Lands Ordinance or the Mining (Consolidation) Ordinance, member of the police force, or person authorised by the Governor, shall have and may exercise all the rights, powers, privileges and functions vested in an educational district officer by this Ordinance:

Chapter 171 :  
Chapter 175 :

Provided that—

Proviso.

(a) no police constable shall have and exercise the powers given to an educational district officer by section fifteen or section fifty-two of this Ordinance unless authorised or empowered as therein mentioned; and

(b) nothing herein contained shall impose on any person hereinbefore specified the duties imposed on education district officers by section eleven of this Ordinance.

11. It shall be the duty of each educational district officer—

Duties of educational district officer ;  
schedule ;  
form 1.

(a) to keep a register of all children under the age of twelve years, and whether under the age of



five years or not, residing in his district; and the register may be in form 1;

- (b) to ascertain and report to the Director every parent of every child resident within his district who has failed or is omitting to cause his child to receive efficient elementary instruction in reading, writing, and arithmetic;
- (c) to enforce the provisions of this Ordinance, and to prosecute all those not complying therewith; and
- (d) generally, to follow the directions laid down for his guidance by the Director.

Educational district officer may enter premises at certain times and make inquiries.

**12.**—(1) Any educational district officer, or other authorised person, may enter any yard, house, building, or place, between the hours of six o'clock in the morning and five o'clock in the evening of any day in the week except Sunday and there make inquiries as to any child there residing or employed.

(2) Everyone who—

- (a) hinders or obstructs an educational district officer or any other authorised person in the performance of his duty; or
- (b) wilfully makes any false representations to an educational district officer or any other authorised person with respect to the age or employment of a child, whether that child is under the age of five years or not; or
- (c) wilfully refuses to afford to an educational district officer or any other authorised person reasonably requiring it, any information that he possesses as to the age or employment of a child, whether the child is under the age of five years or not,

Penalty.

shall be guilty of an offence and on conviction thereof shall be liable to a penalty not exceeding ten dollars.

#### PROVISIONS FOR ENFORCING ELEMENTARY EDUCATION OF CHILDREN.

Duty of parent to educate child.

**13.** It shall be the duty of the parent of every child to cause the child to receive efficient elementary instruction in reading, writing, and arithmetic, and if a parent fails to perform that duty, he shall be liable to the orders and penalties provided by this Ordinance.



14.—(1) If the parent of a child habitually and without reasonable excuse omits to provide efficient elementary instruction for his child, an educational district officer or other authorised person may prefer a complaint against the parent before a magistrate; and the magistrate, if satisfied of the truth of the complaint, shall make an order that the child do attend some school named in the order, being either such as the parent selects, or, if he does not select any, such public elementary school as the magistrate considers expedient; and the child shall attend that school every time it is opened, or in any other regular manner specified in the order.

Proceeding  
against  
parent  
omitting to  
educate child.

(2) Any of the following reasons shall be deemed a reasonable excuse, that is to say,—

(a) that there is not within two miles, measured according to the nearest road, from the residence of the child any aided school or colonial school open which the child can attend; or

(b) that the absence of the child from school has been caused by sickness or other unavoidable cause.

(3) Every complaint under this section may be in form 2, and every order under this section may be in form 3.

Schedule;  
form 2;  
form 3.

(4) In Georgetown and New Amsterdam and in such other places as the Governor may order, thirty attendances in one month, and in all other places twenty-five attendances in one month, of a child at any school (at least two of those attendances being on separate Mondays) shall be deemed to be efficient elementary instruction within the meaning of this section.

(5) Attendance shall mean attendance throughout the hours specified in the regulations made under section fifty-seven of this Ordinance.

(6) "Efficient elementary instruction" within the meaning of this section means the instruction prescribed by regulations made under this part of this Ordinance.

*Ord 12 of 1932*

15.—(1) If any child is found habitually wandering or not under proper control, or in the company of rogues, vagabonds, disorderly persons, or reputed criminals, he may be taken into custody by an educational district officer or other authorised person, or by any police constable authorised by the Director to detain children so found, until a complaint can be preferred against him and he can be brought before a magistrate.

Proceedings  
with respect  
to child  
found  
habitually  
wandering or  
not under  
control.



(2) The magistrate shall inquire into the circumstances and may either make an order—

- (a) that the child do attend some elementary school, other than an industrial school, named in the order; and in that case the school so named shall be either such as the parent may select, or if he does not select any public elementary school the magistrate considers expedient; or
- (b) that the child shall be sent to an industrial school to be named in the order; or
- (c) that the child shall be delivered to the parent.

(3) When a child is taken into custody under the provisions of this section, the person taking the child into custody shall, as soon as practicable, give notice of the detention to the parent, if the parent is known and can be found; and the parent may appear before the magistrate and shall have the same rights with respect to the complaint as if it were a civil proceeding and he was the defendant therein.

(4) Every complaint under this section may be in form 4, and every order under this section may be in form 5.

Schedule ;  
form 4 ;  
form 5.

Proceedings  
on dis-  
obedience of  
magistrate's  
order for  
attendance  
at school :

**16.**—(1) Where, without any reasonable excuse within the meaning of this Ordinance, an order for the attendance of a child at school is not obeyed, any magistrate, on the complaint of an educational district officer or other authorised person, may if he thinks fit, order as follows :—

- (a) in the first case of non-compliance, if the parent of the child does not appear, or appears and fails to satisfy the magistrate that he has used all reasonable efforts to enforce compliance with the order, the magistrate may impose a penalty not exceeding two dollars; but if the parent satisfies the magistrate that he has used all reasonable efforts as aforesaid, the magistrate may, without inflicting a penalty, order the child to be sent to an industrial school; and
- (b) in a second or any subsequent case of non-compliance with the order, the magistrate may order the child to be sent to an industrial school; or he may for each non-compliance inflict any penalty aforesaid, without ordering the child to be sent to an industrial school :

Proviso.

Provided that a complaint under this section with respect to a continuing non-compliance shall not be repeated by the



educational district officer or other authorised person at any less interval than two weeks.

(2) Every complaint under this section may be in form 6, and every order under this section may be in form 7.

Schedule:  
form 6;  
form 7.

EMPLOYMENT OF CHILDREN.

17. No one shall take into his employment or employ any child who is under the age of nine years; or employ on school days during school hours any child of the age of nine years or upwards and under the age of twelve years :

Age of child:

*Ord 12 of 1932.*

Provided that the term "employment" does not include the service rendered by a child to its parents usually given by children to their parents.

Proviso.

18. Anyone who receives a child into his house as a domestic servant, or permits a child to perform any work in his house shall be deemed to have undertaken the duty of a parent with respect to the elementary education of that child so long as the child remains with him; and if he does not cause the child to receive efficient elementary instruction, proceedings may be taken against him as if he were the parent of the child; but the duty of the parent shall not be thereby diminished or discharged, nor shall the parent be thereby exempted from liability to have proceedings taken against him as herein provided.

Responsibility of employer for elementary education of child employed as domestic servant.

19.—(1) Every teacher of a school receiving a colonial grant shall be bound, without charge, when requested to do so, to give weekly to the employer of every child attending the school wherein he teaches, a certificate in form 8, stating the periods during which the child has attended school during the previous week, and if the child has been absent from the school the cause of absence, so far as the teacher is able to ascertain it.

Certificate of attendance at school; schedule; form 8.

(2) Every teacher who refuses to give that certificate without charge to every employer requiring it shall on conviction be liable to a penalty not exceeding five dollars.

Penalty.

20. The manager of a plantation on which a child performs any work for the proprietors thereof shall, subject to the other provisions of this Ordinance, be deemed to have taken the child into his employment.

Employer of child working on plantation.



Exception to prohibition of employment of children.

21. No one shall be deemed to have taken a child over nine years of age into his employment, or to have employed that child in contravention of this Ordinance, if it is proved to the satisfaction of the magistrate having cognizance of the case either—

- (a) that during the employment there is not within two miles, measured according to the nearest road, from the residence of the child any aided school or colonial school open which the child can attend; or
- (b) that the employment, by reason of being during the school holidays, or within the hours during which the school is not open, or otherwise, does not interfere with the efficient elementary instruction of the child, and that the child obtains that instruction in some efficient manner.

Exemption of employer on proof of guilt of some other person.

22.—(1) Where the offence of taking a child into employment in contravention of this Ordinance is in fact committed by an agent or workman of the employer, the agent or workman shall be liable to a penalty as if he were the employer.

(2) Where an employer charged with taking a child into his employment in contravention of this Ordinance proves that he has used due diligence to enforce the observance hereof, and either that some agent or workman of his employed the child without his knowledge or consent, or that the child was employed on the production by the parent of a forged or false certificate and under the belief in good faith in the genuineness and truth of that certificate, the employer shall be exempt from any penalty.

(3) Where the employer satisfies the person inquiring into the matter that he is exempt under this section by reason of the guilt of some agent, workman, or parent, and gives all facilities in his power for proceeding against and convicting the agent, workman, or parent, the person inquiring into the matter shall institute proceedings against the agent, workman, or parent, and not against the employer.

Employment of child in contravention of the Ordinance. Penalty. Schedule; form 9.

23.—(1) Everyone who takes a child into his employment, or employs a child in contravention of this Ordinance shall be liable on conviction to a penalty not exceeding ten dollars.

(2) Every complaint for employing a child in contravention of this Ordinance may be in form 9.



24. Everyone who—

(a) wilfully makes any false representation as to the age of a child for the purpose of procuring the employment of that child in contravention of this Ordinance; or

Wilfully making false representation as to age of child.

(b) uses any false certificate knowing it to be false, shall be guilty of an offence and on conviction shall be liable to a penalty not exceeding twenty-four dollars.

Penalty.

25. The provisions of sections thirteen to sixteen of this Ordinance shall apply only to children between the ages of six and fourteen in Georgetown, and New Amsterdam and between six and twelve years in other places:

Application of sections thirteen to sixteen:

*and Buxton.*

Provided that the Director may give a certificate of exemption in respect of any child over the age of twelve years who is employed on any work in the Director's opinion suitable to a child of that age, and the certificate may be issued under any conditions the Director thinks fit and may be revoked by him at any time.

Proviso. *Ord 12 of 1932.*

INDUSTRIAL SCHOOLS.

26. Every child required to attend an industrial school or sent there by his parents may be detained by the teacher during the prescribed hours.

Teacher's power of detention over children.

27.—(1) Every child attending an industrial school may be employed in the vicinity of the school during prescribed hours in agricultural pursuits on any plantation or lands or in any workshop:

Employment of children at industrial school:

Provided that the full value of any labour performed by a child after deducting the cost of the instruction and of the food (if any) supplied at the cost of the school to the child shall be paid to the parent of or secured for the child.

Proviso.

(2) The amount that may be deducted for that cost shall be fixed by the Director.

28. Provision shall be made at every industrial school for allowing children who are only required to attend an elementary school for two and a half hours in the day to receive instruction in elementary education in the school without becoming subject to the industrial training thereat.

Provision for children required to attend school for part only of a day.



Execution of order requiring child to be sent to school.

29. Every child ordered by a magistrate to be sent to an industrial school may be taken, at any time while the order continues in force, to the industrial school named in the order by an educational district officer or authorised person, or by anyone empowered in writing by an educational district officer or authorised person.

Powers of magistrate under chapter 192.

30. Nothing in this Ordinance shall affect the power and jurisdiction of any magistrate under the Industrial and Reformatory Schools Ordinance, and in any case coming before a magistrate under that Ordinance, the magistrate may, in lieu of dealing with the case thereunder, order the child to be sent to the industrial school mentioned in that Ordinance as if the case had arisen under and was expressly provided for thereby, and its provisions shall apply to the order and to any child, and the parent and father (as in this Ordinance defined) of any child, sent to that school under the order.

RELIGIOUS INSTRUCTION.

Reading of Holy Scriptures daily.

31.—(1) In every school receiving a colonial grant the Lord's Prayer shall, each morning on which the school is open, be publicly repeated at the opening of the school by the teacher of the school, or, if there is more than one, by the principal teacher then present; and a portion of the Holy Scriptures shall be read daily without comment in the school during school hours.

(2) No colonial grant shall be made to any school where the terms of this section are not observed.

Religious instruction in colonial and public elementary schools.

32. In every colonial school further religious instruction in the Christian religion shall be given, subject to regulations made by the Director and sanctioned by the Governor and Legislative Council; and further religious instruction in the Christian religion may be given in any school receiving a colonial grant, but no colonial grant shall be made to any aided school for or in respect of instruction in religious subjects.

Conscience clause.

33.—(1) Every school receiving a colonial grant shall be open to children of all denominations; and any child may be withdrawn by his parents from instruction in religious subjects, and from any religious observance in that school; and no child in the school shall be placed at any disadvantage with respect to the secular instruction



given therein by reason of the denomination to which the child or his parents belongs or belong, or by reason of his being withdrawn from any instruction in religious subjects.

(2) The time or times during which any religious observance is practised, or instruction in religious subjects is given, at any meeting of the school for elementary instruction shall be either at the beginning or at the end, or at the beginning and at the end, of the meeting, and shall be specified in a table approved by the Director.

SCHOOL FEES.

34.—(1) No fees shall be charged at any school receiving a colonial grant in respect of elementary instruction given to a pupil under fourteen years of age.

Charge and application of fees for elementary instruction.

(2) For instruction given to pupils over fourteen years of age such fees may be charged as the Governor in Council may in each case allow.

(3) At least three-quarters of the amount received from those fees shall be payable to the teaching staff of the school.

35.—(1) If a child whose name is on the register of a school and who is less than twelve years of age—

Liability of parent whose child does not attend examination :

- (a) is absent from the prescribed annual examination;
- or
- (b) is not a pupil of the school for the prescribed period, before that examination; or
- (c) does not make the prescribed number of attendances before it, and also fails in any of those cases to pass that examination in the standard in which children of his age are usually examined,

the parent of the child shall, in the absence of any reasonable excuse, be liable to pay to the manager of the school within two months after the date of the examination, a sum equal to the grant which would have been made to the school in respect of the child if he had passed the examination :

Provided that no liability shall be incurred under this sub-section unless the parent of the child, at a reasonable time before the examination, has been warned of the liability he is incurring hereunder.

Proviso.

(2) Any return or certificate purporting to be signed by the Director and to state the absence of the child from or the failure of the child to pass the prescribed examination shall be primâ facie evidence thereof.



Recovery of  
school fees,  
etc.

**36.** Any school fee or sum payable under the last preceding section which is due and unpaid may be sued for and recovered in any court of competent jurisdiction by the manager of the school or any teacher authorised in writing by him to recover it, or, in the case of a colonial school, by the Director or any one authorised in writing by him, and shall in all courts be deemed a debt due by the parent to the person suing.

#### SUPPLY OF SCHOOLS.

Establish-  
ment of  
colonial  
schools.

**37.—**(1) If in any educational district the Governor in Council on economical or other grounds so directs, the Director, as soon as the funds are provided for the purpose by the Legislative Council, shall erect proper schoolhouses and establish and maintain sufficient schools in that district.

(2) Those schools when established shall be called colonial schools.

(3) When a colonial school has been established in an educational district, the Director may, at his discretion, after fair notice, withdraw or withhold all colonial grants from any aided school within two miles of the colonial schoolhouse.

Maintenance  
of school for  
children on  
plantation :

**38.—**(1) The proprietor of a plantation in cultivation on which there are thirty children or more shall be bound to provide and maintain on the plantation, at the place or places approved by the Director, an efficient school or efficient schools to the satisfaction of the Director, for the elementary education of those children, and shall be entitled to receive a colonial grant on the same conditions as grants are made to other schools.

(2) Every proprietor of a plantation in cultivation who fails to provide or efficiently to maintain the school or schools shall be liable on conviction to a penalty not exceeding fifty dollars for each month or part of a month during which he is in default, and the penalty may be recovered on the complaint of the Director :

Proviso.

Provided that—

- (i) no proprietor shall be compelled or entitled to maintain a school if there is sufficient school accommodation for all the children within one mile of the plantation in cultivation; and
- (ii) no prosecution under this section shall be commenced without the authority of the Attorney General.



(3) Proceedings may be taken against the proprietor of a plantation in cultivation for any omission to comply with this section without naming him; and all process may be served on him by affixing the document to one of the principal buildings on the plantation in cultivation, and the plantation shall be liable and leviable for the amount of the penalty.

39. The proprietors of two or more plantations in cultivation may, with the approval of the Director, erect a schoolhouse or schoolhouses and maintain a school or schools for their joint use, if the distance between any two of those plantations, measured by a road over which children can pass at all seasons of the year without difficulty, does not exceed two miles.

Allowance of joint school for two or more plantations.

40. The expression "plantation in cultivation" in the last two preceding sections shall be deemed to mean and to include every collection of houses belonging to the proprietor thereof, situate on a plantation in cultivation and lying within a circle having a diameter of one thousand yards in which more than thirty children reside.

Meaning of "plantation in cultivation."

PROOF OF AGE OF CHILD, ETC.

41. Where the age of a child is required to be ascertained in any judicial proceeding under this Ordinance, the magistrate or judge having cognizance of the proceeding, if the child is produced before him, after considering any evidence adduced on the point and the appearance of the child, and in the absence of clear testimony to the contrary, may declare and note on the proceedings what in his opinion is the true age of the child, and that age for all purposes connected with that proceeding, shall be taken to be the true age of the child at that time.

Power in certain cases to estimate age of child.

42. The Director, everyone authorised in writing by him, and every educational district officer, shall be entitled to obtain from the general register office a certified copy of any entry in any register in that office with respect to the birth of a child on payment of a fee of eight cents.

Certificates of birth.

43. Every school receiving a colonial grant shall, for the purposes of this Ordinance, be deemed an efficient school, and every parent who causes his child regularly to attend any school receiving a colonial grant shall, in all

School receiving colonial grant to be deemed efficient.



proceedings under this Ordinance, be deemed to have performed his duty with respect to the elementary education of his child.

Regulations  
as to legal  
proceedings.

**44.** In any proceedings before a magistrate for offences and penalties under this Ordinance :—

Penalty.

- (a) the magistrate may by summons call upon any parent or employer of a child, required by this Ordinance to attend school, to produce the child before him, and anyone failing without reasonable excuse to his satisfaction to comply with the summons shall be liable to a penalty not exceeding five dollars;
- (b) a certificate purporting to be under the hand of the principal teacher of an elementary school, stating that a child is or is not attending that school, or stating the particulars of the attendance of a child thereat, or stating that a child has been certified by the Director or an inspector of schools to have reached a particular standard of education, shall be evidence of the facts stated in the certificate;
- (c) where a child is apparently of the age alleged for the purposes of the proceeding, it shall lie on the defendant to prove that the child is not of that age;
- (d) if a child is attending an elementary school which is not an aided school, it shall lie on the defendant to show that the school is efficient, and the magistrate in considering whether an elementary school is efficient, shall have regard to the age of the child and to the standard of education corresponding to that age prescribed by the education code for the time being in force;
- (e) anyone may appear by a member of his family or any other person authorised by him in that behalf.

Forgery of,  
and use of  
forged,  
certificate  
made  
evidence.

**45.** Everyone who—

- (a) forges or counterfeits; or
- (b) gives or signs knowing to be false in any particular; or
- (c) uses, knowing to be forged, counterfeit, or false, any certificate by this Ordinance made evidence of any matter, shall be liable on summary conviction to imprisonment with or without hard labour for any period not exceeding three months.

Penalty.



LEGAL PROCEDURE.

46. All penalties incurred under this Ordinance may be sued for and recovered in a summary manner before a magistrate; and all orders which a magistrate is authorised to make under this Ordinance shall be applied for, made, and enforced in the manner provided by the Summary Jurisdiction Ordinances. Procedure.

47. No one whether complainant, plaintiff, or defendant, shall be required to pay any fees for process in a proceeding, other than those for the recovery of school fees, taken or had under the provisions of this Ordinance against the parent or employer of a child. Exemption from payment of fees for process.

48.—(1) If it appears to a magistrate, on the complaint of an educational district officer or other authorised person, that there is reasonable cause to believe that a child is employed in contravention of this Ordinance in any place, whether a building or not, the magistrate may, by order under his hand, empower an educational district officer, or other authorised person, or police officer, to enter that place, at any reasonable time within seven days from the date of the order, and to examine the place, and anyone found there, touching the employment of any child there. Power to grant warrant to examine place in certain cases.

(2) Everyone who refuses admission to an officer authorised by order under this section, or obstructs him in the discharge of his duty when acting under this section, shall for each offence on conviction thereof be liable to a penalty not exceeding fifty dollars. Penalty.

49. The forms contained in the schedule to this Ordinance may from time to time be varied or altered by the Governor in Council, and the varied or altered forms, after their publication in the Gazette, shall have the same effect as if they were incorporated in the schedule. Power to vary forms ;  
schedule.

PART II.

EDUCATION COMMITTEE.

50. In this part of this Ordinance—  
 “ the Governing Body ” means the authority, body, or persons, by any regulations made under or continued in force by this part of this Ordinance, charged with the control and management of the aided schools of any religious denomination; Interpretation.  
Definition of “ governing body.”



Constitution  
of Education  
Committee.

51.—(1) There shall be established an advisory committee to be styled "the Education Committee," (hereinafter referred to as the Committee), consisting of not less than seven nor more than nine members appointed by the Governor, of whom not less than two shall be elected members of the Legislative Council.

(2) Subject to the provisions of this section, every member shall hold office for two years from the date of his appointment and shall be eligible for re-appointment.

(3) The Director shall be ex officio a member and chairman of the Committee.

(4) The chairman shall preside at all meetings of the Committee but in his absence the members present shall choose one of their number to act as chairman.

(5) The chairman of a meeting shall have an original and a casting vote.

(6) Five members (including the presiding member) shall form a quorum.

(7) The Governor may at any time revoke the appointment of any member.

(8) If any member—

(a) departs from the colony without the leave of the Governor; or

(b) remains out of the colony after the expiration of his leave; or

(c) fails without reasonable excuse (the sufficiency whereof shall be determined by the Governor) to attend six consecutive meetings of the Committee,

he shall cease to be a member of the Committee.

(9) A member of the Committee who is an elected member of the Legislative Council shall cease to be a member of the Committee if he ceases to be a member of the Council.

(10) The chairman or a member may resign his office with the permission of the Governor, but shall be eligible for re-appointment.

(11) When the Governor has given leave of absence to a member the Governor may appoint an acting member in his place.

Duties and  
powers of  
Committee.

52.—(1) The duties and powers of the Committee shall be to consider and advise the Director upon—

(a) the needs of the education department and the preparation of the education estimates;



- (b) the expenditure of all public moneys voted for educational purposes by the Legislative Council;
- (c) any difficulties that may arise in connection with the supply of new schools, or the removal of any school from the list of annual grants;
- (d) the preparation of an education code for elementary schools and any alterations from time to time found desirable therein, and the regulations for secondary, technical, or agricultural schools or institutions, and for the training of teachers;
- (e) the conditions under which scholarships of all kinds are awarded, the need for, or desirability of holding, any external examinations, the kind of examination appearing to be most suitable and appropriate, the general conduct and results of those examinations, and their effect upon educational policy;
- (f) any questions, educational or otherwise, upon which the Director wishes to seek advice; and
- (g) any other matters connected with the educational system of the colony referred to it from time to time by the Governor, or regarding which a majority of its members desire to make representations to the Director or to the Governor.

(2) The Committee shall submit the code and regulations mentioned in paragraph (d) of sub-section (1) through the Director to the Governor in Council for approval and enactment.

(3) The Committee may make rules for the conduct of its business and the regulation of its proceedings.

(4) All communications which the Committee desires to lay before the Governor shall be transmitted through the Director.

53. The Committee shall hold ordinary meetings at the times appointed by the Governor; an extraordinary meeting shall be summoned by the direction of the Governor or the chairman, or by the secretary on the written request of a majority of the members.

Meetings of  
Committee.

54. Subject to the approval of the Governor the Committee may appoint a secretary to hold office at pleasure at such salary as the Committee thinks fit, and the salary shall be paid out of the funds voted by the Legislative Council for the purposes of education.

Appointment  
of Secretary.



Discipline of  
teachers ;  
powers of  
governing  
body, the  
Director,  
and the  
Committee.

55.—(1) When a complaint against a teacher in an aided school has been preferred to the Director, he may request the governing body to interdict that teacher from duty and investigate the matter of the complaint, and thereupon it shall be the duty of the governing body to carry out that request.

(2) The decision of the governing body against a teacher other than a certificated teacher in the matter of any complaint shall be subject to confirmation by the Director, who may at his discretion vary the penalty imposed by the governing body. If the Director is of opinion that the teacher should be dismissed and the governing body does not concur in that opinion the governing body may appeal to the Committee whose decision shall be final.

(3) The decision of the governing body against a certificated teacher in the matter of any complaint shall be subject to confirmation by the Director, who may at his discretion vary the penalty imposed by that body. If in the opinion of the governing body and the Director, or either of them, the teacher should be dismissed or his certificate should be suspended or cancelled, the matter shall be investigated by the Committee whose decision shall be final.

(4) When in the case of proceedings against a certificated teacher under section six of this Ordinance the Director is of opinion that though the specific charge has not been proved yet the teacher is guilty of conduct showing him to be unfit to have charge of or to teach in a school, the Director shall refer the matter to the governing body, and if in the opinion of the governing body and the Director, or either of them, the teacher should be dismissed or his certificate should be suspended or cancelled, the matter shall be investigated by the Committee whose decision shall be final.

(5) (a) The provisions of this section hereinbefore contained shall not affect the exercise, in respect of a certificated teacher, of the authority and jurisdiction conferred by sections six and seven of this Ordinance.

(b) When under section six of this Ordinance the Director transmits a statement specifying the acts constituting a charge to a magistrate, the Director may request the governing body to interdict the teacher from duty pending the decision on the charge and the governing body shall give effect to the request.



56. After the twenty-ninth day of October, nineteen hundred and twenty-seven, the officer who has hitherto been styled "Commissioner of Education" shall be styled "Director of Education," and he shall have all the powers, privileges, and authorities hitherto possessed and enjoyed by the Commissioner of Education, and as conferred by this part of this Ordinance. Director of Education.

57.—(1) The Governor in Council may from time to time make regulations for all or any of the following purposes, that is to say,— Regulations.

- (a) for securing the proper application and distribution of all funds voted from the colonial revenues for the purposes of education;
- (b) for the government and discipline of all schools of every kind maintained or in the receipt of aid from the colonial revenues and of the teachers thereof;
- (c) generally, for establishing and maintaining an efficient system of education throughout the colony.

(2) Regulations made under the (repealed) Education Ordinance, 1918, shall continue in force and may be amended or rescinded by regulations made under this part of this Ordinance. (No. XXXVI of 1918.)

SCHEDULE.

FORMS.

1.

(Section 11.)

Register.

BRITISH GUIANA.

Register of children in the educational district.

| Name of child.  |          | Sex. | Age. | Date of birth. | Father's name. | Whether father is alive or not. | Mother's name. | Whether mother is alive or not. | With whom child is residing. | What school, if any, child is attending. | If not attending school, whether child is receiving instruction at home. | Whether or not child is employed. | If employed, name of employer. | Place of employment. | Nature of employment. | Remarks. |
|-----------------|----------|------|------|----------------|----------------|---------------------------------|----------------|---------------------------------|------------------------------|--|--|-----------------------------------|--------------------------------|----------------------|-----------------------|----------|
| Christian name. | Surname. |      |      |                |                |                                 |                |                                 |                              |  |  |                                   |                                |                      |                       |          |
|                 |          |      |      |                |                |                                 |                |                                 |                              |  |  |                                   |                                |                      |                       |          |



2.

(Section 14.)

*Complaint against parent for not educating child.*

BRITISH GUIANA.

The complaint of \_\_\_\_\_ an educational district officer or other authorised person, taken before me, the undersigned magistrate for the \_\_\_\_\_ district, at \_\_\_\_\_ in the county of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, who saith that \_\_\_\_\_ residing at \_\_\_\_\_ in the said county, being the parent, within the meaning of the Education Ordinance, of the child named \_\_\_\_\_ and which child is above the age of five years and under the age of twelve years, has, for the period of \_\_\_\_\_ next before the date of this complaint, habitually and without reasonable excuse omitted to provide efficient elementary education for h \_\_\_\_\_ said child, the said \_\_\_\_\_ in contravention of the said Ordinance; and thereupon he, the said educational district officer or other authorised person, makes application that the said \_\_\_\_\_ may be dealt with according to law.

A.B.

Taken before me the day and year and in the place above mentioned.

(Signed)

C.D.

Magistrate.

3.

(Section 14.)

*Order on parent for attendance of child at school.*

BRITISH GUIANA.

County of \_\_\_\_\_

Be it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, complaint was made before \_\_\_\_\_ Esquire, magistrate for the \_\_\_\_\_ district by \_\_\_\_\_ an educational district officer, or other authorised person, that \_\_\_\_\_ residing at \_\_\_\_\_ in the county of \_\_\_\_\_ being the parent, within the meaning of the education Ordinance, of the child named \_\_\_\_\_ who is above the age of five years and under the age of twelve years, had, for the period of \_\_\_\_\_ next before the said \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, habitually and without reasonable excuse omitted to provide efficient elementary education for the said child, the said \_\_\_\_\_ in contravention of the said Ordinance, and that on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at the court room, at \_\_\_\_\_ in the said county of \_\_\_\_\_ the matter of the said complaint was heard and investigated by the undersigned magistrate for the \_\_\_\_\_ district; and now, being satisfied of the truth of that complaint, I do order that the said \_\_\_\_\_ do cause the said child to attend the \_\_\_\_\_ school at [here describe the school] being the school which the said parent has selected [or which, as the parent has not selected any, I have named] on [here specify how many days on which the child is to attend school] in each week during which that school shall be open for \_\_\_\_\_ hours on each such day.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_

(Signed)

C.D.

Magistrate.



4.

(Section 15.)

*Complaint against child found habitually wandering.*

BRITISH GUIANA.

The complaint of \_\_\_\_\_ an educational district officer, or other authorised person, taken before me, the undersigned magistrate for the \_\_\_\_\_ district, at \_\_\_\_\_ in the county of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, who saith that \_\_\_\_\_ being a child subject to the provisions of the education ordinance, has, for the period of \_\_\_\_\_ next before the date of this complaint, been found within the \_\_\_\_\_ educational district habitually wandering, [or not under proper control, or in the company of rogues or vagabonds or disorderly persons or reputed criminals, as the circumstances of the case may require].

A.B.

Taken before me the day and year and at the place first above mentioned.

(Signed)

C.D.  
Magistrate.

5.

(Section 15.)

*Order under section 15.*

BRITISH GUIANA.

Be it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, at the \_\_\_\_\_ court room in the county of \_\_\_\_\_ in pursuance of the education Ordinance, I, \_\_\_\_\_ magistrate for the \_\_\_\_\_ district, do order that \_\_\_\_\_ being a child subject to the provisions of section 15 of the said Ordinance, do attend the public elementary school at \_\_\_\_\_ being the school which the parent of the said child has selected [or which, as the parent of the said child has not selected any, I have named] for \_\_\_\_\_ days in each week during which that school shall be open for \_\_\_\_\_ hours on each of those days, [or be sent to the industrial school at \_\_\_\_\_ or be delivered to his parent].

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

(Signed)

C.D.  
Magistrate.

6.

(Section 16.)

*Complaint for non-compliance with order of magistrate.*

BRITISH GUIANA.

The complaint of \_\_\_\_\_ an educational district officer or other authorised person, taken before me, the undersigned magistrate for the \_\_\_\_\_ district, at \_\_\_\_\_ in the county of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, who saith that heretofore on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ an order was made by \_\_\_\_\_, Esquire, magistrate for the \_\_\_\_\_ district, that \_\_\_\_\_ being the parent, within the meaning of the Education Ordinance, of the child



named \_\_\_\_\_ should cause the said child to attend, and that the said child should attend, the school at \_\_\_\_\_ therein named, in the manner specified in the said order, and that the said \_\_\_\_\_ now residing at \_\_\_\_\_ in the county of \_\_\_\_\_ has, for the period of \_\_\_\_\_ next before the date of this complaint, failed, without reasonable excuse, to comply with the said order in contravention of the said Ordinance, and thereupon he, the said educational district officer, or other authorised person, makes application that the said \_\_\_\_\_ may be dealt with according to law.

A.B.

Taken before me the day and year and at the place above-mentioned.

(Signed)

C.D.

Magistrate.

NOTE.—For a second or any subsequent case of non-compliance with an order made by a magistrate after the words “to comply with the said order, in contravention of the said Ordinance,” proceed as follows :—and further that he, the said heretofore, and before the period mentioned in this complaint, to wit, on the day of \_\_\_\_\_ 19\_\_\_\_, was adjudged to have failed to comply with the said order without reasonable excuse.

7.

(Section 16.)

*Order under section 16.*

## BRITISH GUIANA.

Whereas on the complaint of \_\_\_\_\_ an educational district officer, or other authorised person, it has been made to appear to me, the undersigned magistrate for the \_\_\_\_\_ district, that, without any reasonable excuse, the order made by \_\_\_\_\_ Esquire, magistrate for the \_\_\_\_\_ district, requiring that \_\_\_\_\_ residing at \_\_\_\_\_ in the county of \_\_\_\_\_ being the parent, within the meaning of the education ordinance, of the child named \_\_\_\_\_ should cause the child to attend, and that the child should attend, the school therein named at the times therein specified, has not been complied with ; and whereas the said parent, the said \_\_\_\_\_ has failed to satisfy me that he has used all reasonable efforts to enforce compliance with the said order, I, the said magistrate, do, this day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ order the said authorised person, the sum of \_\_\_\_\_ and if the said sum is not paid forthwith [or on or before the \_\_\_\_\_ day of \_\_\_\_\_ next] I do order and adjudge the said \_\_\_\_\_ to be imprisoned in the prison at \_\_\_\_\_ in the said county, and there kept to hard labour, for the space of \_\_\_\_\_ days, unless the said sum shall be sooner paid.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ in the said county.

(Signed)

C.D.

Magistrate.

NOTE.—Where, in the first case of non-compliance, the magistrate orders the child to be sent to an industrial school, proceed from the words “has not been complied with” as follows :—and whereas the said parent, the said \_\_\_\_\_ has satisfied me that he has



used all reasonable efforts to enforce compliance with the said order, I, the said magistrate, under the provisions of the said Ordinance, do, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ in the county of \_\_\_\_\_ order that the said \_\_\_\_\_ shall be sent to the industrial school at \_\_\_\_\_ and there detained until the day of \_\_\_\_\_, 19\_\_\_\_.

Where, in the second case of non-compliance, the magistrate orders the child to be sent to an industrial school, proceed from the words in the form "has not been complied with" as follows:—"and whereas the said \_\_\_\_\_ has been previously adjudged to have failed, without reasonable excuse to comply with that order, I, the said magistrate," as in the last case.

8.

(Section 19.)

*School Certificate.*

BRITISH GUIANA.

I \_\_\_\_\_ hereby certify that the undermentioned child [or children] has [or have] attended the school kept by me at \_\_\_\_\_ for the number of hours, and at the time on each day specified in the columns opposite to his [or her or their] name [or names] during the week ending on Saturday, the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and that the causes of absence stated are true, to the best of my belief:—

| Name of child. | Monday. |    | Tuesday. |    | Wednesday. |    | Thursday. |    | Friday. |    | Causes of absence. |
|----------------|---------|----|----------|----|------------|----|-----------|----|---------|----|--------------------|
|                | Time.   |    | Time.    |    | Time.      |    | Time.     |    | Time.   |    |                    |
|                | From    | To | From     | To | From       | To | From      | To | From    | To |                    |
|                |         |    |          |    |            |    |           |    |         |    |                    |

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

(Signed)

*Schoolmaster.*  
[or *Schoolmistress.*]

NOTE.—Under the column "Time," the periods of the day that each child attends school shall be stated, as thus, from 9 to 12, or any other time, as the case may be, and all the children employed on the same plantation who attend school before one o'clock in the afternoon shall be entered together, distinct from those who attend school after one o'clock.

The time when each child attends school shall be stated in the column for each day, in the handwriting of the schoolmaster; and no certificate shall be valid unless the schoolmaster, in his own handwriting, subscribes to it his Christian and surname in full.

In the case of any child who has been absent from school, the letter A shall be inserted under the day or days of absence, and the cause of absence shall be inserted in the column headed "Causes of absence," as far as the same can be ascertained; and when any day has been a holiday at the school, the word "Holiday" shall be entered in the column of the day.

All school certificates, if given on loose sheets, shall, as soon as received, be fixed in a book, to be called "The School Certificate Book" in the order of their respective dates. Copies of the above forms may be bound together in a book for each plantation.



9.

(Section 23.)

*Complaint for employing child in contravention of the Ordinance.*

BRITISH GUIANA.

The complaint of \_\_\_\_\_ taken before me, the undersigned  
 magistrate for the district, at \_\_\_\_\_ in the county of \_\_\_\_\_  
 this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, who saith that  
 residing at \_\_\_\_\_ in the said county, did on the \_\_\_\_\_ day of  
 19\_\_\_\_, take into his employment [*or* employ] at \_\_\_\_\_  
 in the said county, one \_\_\_\_\_ then being  
 a child subject to the provisions of the Education Ordinance, in contravention  
 of the said Ordinance.

A.B.

Taken before me this day and year and at the place above mentioned.

(Signed)

C.D.  
Magistrate.