

*Government Notice No. 28 of 2021*

**THE SPECIAL EDUCATION NEEDS  
AUTHORITY ACT 2018**

**Regulations made by the Board under section 23 of  
the Special Education Needs Authority Act 2018**

1. These regulations may be cited as the Special Education Needs Authority (Registration of Special Education Needs Institutions) Regulations 2021.

2. In these regulations –

“Act” means the Special Education Needs Authority Act 2018;

“authorised officer” means an employee designated as such by the Authority;

“certificate of character” means a certificate issued under section 5 of the Certificate of Character Act;

“certificate of registration” means a certificate of registration issued by the Authority under regulation 3(6)(a);

“extension” means an addition to an existing special education needs institution within the same premises;

“learner” means a young pupil, pupil, student, trainee, apprentice with special education needs and who is learning a subject or skill;

“SEN” means special education needs;

“SEN carer” means a person who provides care and attention to a learner, and is registered under regulation 9(4)(b);

“teacher” means a person registered as such under regulation 7(3)(c);

“teacher assistant” means a person registered as such under regulation 8(5)(b).

3. (1) No special education needs institution shall operate unless –
- (a) it is registered with the Authority; and
  - (b) it abides by such curriculum as the Authority may prescribe.

(2) Any person who intends to run a special education needs institution shall make an application for the registration of –

- (a) the institution;
- (b) its manager;
- (c) its teachers;
- (d) its teacher assistants;
- (e) its SEN carers; and
- (f) such other employees as it may require.

(3) Where it is intended to set up an extension of a special education needs institution, the approval of the Authority shall be sought prior to any such extension being set up.

(4) An application made under paragraph (2) shall be accompanied by –

- (a) a certificate of registration issued by the Registrar of Associations;
- (b) a copy of the rules of association;
- (c) the relevant permit issued by the local authority in relation to the premises;

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- (d) a certificate issued by the Sanitary Authority under the Public Health Act in relation to the premises; and
  - (e) a certificate from the Mauritius Fire and Rescue Service certifying that fire safety requirements are satisfied.
- (5) This special education needs institution shall not be registered unless –
- (a) the documents referred to in paragraph (4) are submitted;
  - (b) it complies with such requirements relating to –
    - (i) the premises;
    - (ii) health and safety;
    - (iii) sanitary conditions;
    - (iv) the furniture and equipment; and
    - (v) its teaching and non-teaching staff,as the Authority may impose;
  - (c) any extension to an existing special education needs institution shall be required to comply with the requirements imposed under paragraph (b).
- (6) (a) Where the Authority grants an application, it shall, on such terms and conditions as it may determine and on payment of the appropriate fee specified in Part I of the Schedule, register the special education needs institution and issue a certificate of registration.
- (b) A certificate of registration issued under subparagraph (a) shall be valid –
- (i) for a period of 24 months from the date of issue; or

- (ii) for such shorter period as the Authority may determine.

(7) The Authority may reject an application made under paragraph (2) where –

- (a) the applicant does not –
  - (i) comply with paragraphs (4) and (5); or
  - (ii) pay the appropriate fee specified in Part I of the Schedule;
- (b) the manager is not a fit and proper person to act as such; or
- (c) any information submitted by the applicant for the purpose of obtaining the issue of a certificate of registration is false in any material particular.

(8) Where an application made under paragraph (2) is rejected, the applicant may appeal to the Minister within 21 days of the date on which he is notified of the decision of the Authority.

**4.** (1) An application for the renewal of a certificate of registration –

- (a) shall be made to the Authority within one month of the date of expiry of the certificate, in such form and manner as the Authority may approve; and
- (b) shall be accompanied by –
  - (i) the documents referred to in regulation 3(4); and
  - (ii) the appropriate fee specified in Part II of the Schedule.

(2) The Authority may renew a certificate of registration for a period of 24 months and on such terms and conditions as it may determine.

(3) Where an application for the renewal of a certificate is rejected, the applicant may appeal to the Minister within 21 days of the date on which he is notified of the decision.

**5.** (1) Subject to paragraph (2), the Authority may cancel the registration of a special education needs institution where –

- (a) any term or condition specified in its certificate of registration is breached;
- (b) the special education needs institution has ceased to operate; or
- (c) the special education needs institution is being run in contravention with the Act.

(2) Before cancelling the registration of a special education needs institution, the Authority shall, by notice in writing, within such reasonable time as it may determine, require the manager to show cause why the registration shall not be cancelled.

(3) Where the Authority cancels the registration of a special education needs institution, no refund of the fee paid for the registration shall be made.

**6.** (1) A special education needs institution shall, at all times, be administered by a full-time manager.

(2) No person shall act as manager of a special education needs institution unless he is registered with the Authority.

(3) (a) An application to be registered as manager shall be made to the Authority in such form and manner as it may approve.

(b) The application shall be accompanied by a medical certificate, including a chest X-ray report and a certificate of character, issued within 3 months of their date of issue.

(4) The Authority may, after such inquiry as it thinks necessary, grant or reject an application made under paragraph (3)(a).

(5) Where the Authority grants the application, it shall, on such terms and conditions as it may determine and on payment of the appropriate fee specified in Part III of the Schedule, register the applicant as manager of the special education needs institution.

(6) (a) Where an applicant does not satisfy the requirements in paragraph (3), the Authority shall reject the application and inform the applicant of its decision.

(b) Where an application made under paragraph (3)(a) is rejected, the applicant may appeal to the Minister within 21 days of the date on which he is notified of the decision of the Authority.

(7) Every manager shall, in relation to the special education needs institution which he administers, keep –

- (a) a register of teachers, teacher assistants and non-teaching staff;
- (b) a register of enrolment;
- (c) attendance registers for learners, teachers, teacher assistants, non-teaching staff and SEN carers;
- (d) an inspection register;
- (e) all financial records;
- (f) a visitors' book;
- (g) an inventory of furniture and equipment;

- (h) the time table of studies and activities;
- (i) learners' Profile Books;
- (j) a daily occurrence book;
- (k) such other information or document as the Authority may determine.

(8) (a) Every manager shall, in respect of the special education needs institution which he administers, submit to the Authority, within one month of the start of the academic year, a list of –

- (i) learners; and
- (ii) members of teaching and non-teaching staff.

(b) The manager shall inform the Authority as soon as possible, and in any event within one month, of any change in the particulars of the lists referred to in subparagraph (a).

(9) A manager shall not administer more than one special education needs institution at a time.

(10) The Authority may issue to the manager such directives as it thinks fit for the effective running of a special education needs institution and the manager shall comply with such directives.

7. (1) No person shall teach in a special education needs institution unless he is registered as a teacher or as a teacher assistant with the Authority.

- (2) No person shall be registered as a teacher unless –
  - (a) he is between the ages of 18 and 65 years;
  - (b) he holds such qualifications as are acceptable to the Authority; and

- (c) he produces, at the time of application a medical certificate including a chest X-ray report and a certificate of character, issued within 3 months of the date of their issue.

(3) (a) An application for registration as teacher shall be made, in writing, to the Authority in such form and manner as the Authority may approve.

(b) Where the person to be registered as a teacher satisfies the requirements referred to in paragraph (2), the Authority may, after such inquiry as it deems necessary, grant the application.

(c) Where the Authority grants the application, it shall, on such terms and conditions as it may determine, and on payment of the appropriate fee specified in Part III of the Schedule, register the person as a teacher.

(4) (a) Where the person to be registered as a teacher does not satisfy the requirements referred to in paragraph (2), the Authority shall reject the application made under paragraph (3)(a) and inform the applicant of its decision.

(b) Where the application is rejected by the Authority, an appeal may be made by the applicant to the Minister within 21 days of the date on which he is notified of the decision of the Authority.

(5) Every teacher shall keep –

- (a) a weekly plan of work and lesson plan in such form as the Authority may determine;
- (b) a programme of extra-curricular activities proposed to the learners; and
- (c) such other document as the Authority may determine.

8. (1) Subject to paragraph (2), no person shall assist a teacher in a special education needs institution unless he is registered as teacher assistant with the Authority.

(2) The Authority may authorise a teacher assistant to also act as a teacher in a special education needs institution for a specified period of time where the manager of the school notifies the Authority that for logistical, financial and other reasons, a teacher cannot be employed as a member of the staff of the school.

(3) No person shall be registered as a teacher assistant unless –

(a) he is between the ages of 18 and 65;

(b) he holds such qualifications as may be approved by the Authority; and

(c) he produces, at the time of application a medical certificate including a chest X-ray report and a certificate of character, issued within 3 months of their date of issue.

(4) An application for registration as teacher assistant shall be made, in writing, to the Authority in such form and manner as it may approve.

(5) (a) The Authority may, after such inquiry as it deems necessary, grant the application where the applicant satisfies the requirements referred to in paragraph (3).

(b) Where the Authority grants an application made under paragraph (4), it shall, on such terms and conditions as it may determine, and on payment of the appropriate fee specified in Part III of the Schedule, register the applicant as a teacher assistant.

(6) (a) Where the person to be registered as a teacher assistant does not satisfy the requirements in paragraph (3), the Authority shall reject the application and inform the applicant of its decision.

(b) Where the application is rejected by the Authority, an appeal may be made by the applicant to the Minister, within 21 days of the date on which he is notified of the decision.

(7) Every teacher assistant shall keep –

- (a) a programme of activities proposed to the learners; and
- (b) such other document as the Authority may determine.

9. (1) No person shall act as SEN carer in a special education needs institution unless he is registered with the Authority.

(2) No person shall be registered as a SEN carer unless he –

- (a) he is above 18; and
- (b) he holds qualifications as may be approved by the Authority; and
- (c) he produces, at the time of application a medical certificate including a chest X-ray report and a certificate of character, issued within 3 months of their date of issue.

(3) An application for registration as SEN carer shall be made, in writing, to the Authority in such form and manner as it may approve.

(4) (a) The Authority may, after such inquiry as it deems necessary, grant the application where the applicant satisfies the requirements referred to in paragraph (2).

(b) Where the Authority grants an application made under paragraph (3), it shall, on such terms and conditions as it may determine, and on payment of the appropriate fee specified in Part IV of the Schedule, register the applicant as SEN carer.

(5) (a) Where the person to be registered as a SEN carer does not satisfy the requirements referred to in paragraph (2), the Authority may reject the application and inform the applicant of its decision.

(b) Where an application is rejected by the Authority, an appeal may be made by the applicant to the Minister within 21 days of the date on which he is notified of the decision.

**10.** (1) Notwithstanding regulations 6, 7, 8 and 9, and subject to paragraph (2), any member of staff already working for a special education needs institution and who does not possess the necessary qualifications shall be given a period of 3 years follow such courses in special education needs as may be approved by the Authority.

(2) A SEN carer who does not hold the necessary qualifications should, within 2 years, follow such courses in special needs as may be approved by the Authority.

**11.** (1) No person shall work in a special education needs institution unless he is registered with the Authority.

(2) (a) An application to be registered under paragraph (1) shall be made to the Authority in such form and manner as it may approve.

(b) The application shall be accompanied by a medical certificate, including a chest X-ray report and a certificate of character, issued within 3 months of their date of issue.

(3) The Authority may grant or reject an application made under paragraph (2)(a).

(4) (a) Where the Authority grants the application made under paragraph (2)(a), it shall, on such terms and conditions as it

may determine, register the person who is to work in the special education needs institution.

(b) Where the application is rejected by the Authority, the applicant may appeal to the Minister within 21 days of the date on which he is notified of the decision.

**12.** Notwithstanding any other regulation, the Authority may refuse to register a person as manager, teacher, teacher assistant, SEN carer and as any other member of staff, where the Authority is satisfied that the person –

- (a) is not of good character;
- (b) is medically unfit;
- (c) has made any material misrepresentation in his application or in the course of any inquiry made under regulation 6(5), 7(3)(c), 8(5)(a) or 9(4)(a); or
- (d) does not otherwise satisfy the requirements referred to in these regulations.

**13. (1)** In every special education needs institution –

- (a) there shall be –
  - (i) such minimum number of teachers and teacher assistants as the Authority may determine;
  - (ii) at least one SEN carer for every 15 learners;
- (b) the teaching time shall not be more than 6 hours per day; and
- (c) there shall be 3 school terms which shall be the same as those of Government primary schools or as the Minister may otherwise direct.

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(2) An authorised officer may, with or without notice, visit and inspect a special education needs institution to ascertain whether the provisions of the Act or these regulations are being complied with.

(3) Every special education needs institution may be inspected on a regular basis by such Government medical or sanitary officers as the supervising officer of the Ministry responsible for the subject of health may designate, or such other officer as may be deputed by any other relevant Ministry or Authority.

**14.** Special education needs institutions registered under the Act prior to the coming into force of these regulations shall be given a period of 18 months to ensure compliance with regulation 3(5)(b).

**15.** Any person who contravenes these regulations shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 2 years.

**16.** These regulations shall be deemed to have come into operation on 31 December 2020.

Made by the Minister on 4 February 2021.

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**SCHEDULE**

[Regulations 3(6)(a), 4(1)(b)(ii), 6(5), 7(3)(c), 8(5)(b) and 9(4)(b)]

**FEE****(Rs)****PART I**

Registration of special education needs institution 500

**PART II**Application for renewal certificate for special education  
needs institution 500**PART III**

Registration of manager/teacher/teacher assistant 500

**PART IV**

Registration of SEN carer 200

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