

THE PRIVATE SECONDARY SCHOOLS AUTHORITY (AMENDMENT) ACT 1978

Act No. 1 of 1978

I assent,

11th April 1978.
General

D. BURRENCHOBAY
Acting Governor-

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Section 2 of the principal Act amended.
4. Section 4 of the principal Act amended.
5. Section 5 of the principal Act amended.
6. Section 6 of the principal Act amended.
7. Section 8 of the principal Act amended.
8. Section 14 of the principal Act repealed and replaced.
9. Section 15 of the principal Act repealed and replaced.
10. Section 16 of the principal Act repealed and replaced.
11. Section 19 of the principal Act repealed and replaced.
12. Section 21 of the principal Act amended.
13. Consequential amendment.
14. Transitional provision.

An Act

To amend the Private Secondary Schools Authority Act 1976

(11th April)

ENACTED by the Parliament of Mauritius, as follows-

1. This Act may be cited as the **Private Secondary Schools Authority (Amendment) Act 1978**.
2. In this Act-
"principal Act" means the **Private Secondary Schools Authority Act 1976**.
3. Section 2 of the principal Act is amended by inserting the following definitions in their proper alphabetical order-

"grant" means a grant payable under section 15(1);

"provisional grant" means a provisional grant payable under section 15(2);
4. Section 4 of the principal Act is amended-

(a) in paragraph (d)-

- (i) by deleting the words ", and the tuition fees paid by pupils,";
 - (ii) by deleting the full stop at the end thereof and replacing it by a semi-colon;
- (b) by adding after paragraph (d) the following paragraphs-
- (e) the payment of grants properly accruing to **secondary schools**;
 - (f) the registration and inspection of **secondary schools**, their principals, managers and teachers.
5. Section 5 of the principal Act is amended in subsection (1)(a)-
- (a) by deleting subparagraph (ii) and replacing it by the following subparagraph-
 - (ii) deal with all matters relating to **secondary schools**, their principals, managers and teachers including the registration of such **schools**, principals, managers and teachers;
 - (b) in subparagraph (iii) by deleting the words "all necessary data in relation to every matter referred to in section 4" and replacing them by the words "all necessary data in order to enable the **Authority** to carry out its objects".
6. Section 6 of the principal Act is amended by deleting subsection (3) and replacing it by the following subsection-
- (3) (a) The members specified in subsections k2) (h) to (m) shall be appointed by the Minister-
 - (i) in the case of members specified in subsection (2) (h) to (k), for a period of three years;
 - (ii) in the case of members specified in subsection (2) (l) to (m), for a period of one year.
 - (b) The members specified in subsection (2) (h) to (m) shall be eligible for re-appointment.
7. Section 8 of the principal Act is amended-
- (a) in subsection (3) by deleting the words "at least once a month";
 - (b) in subsection (5) by deleting the word "five" and replacing it by the word "seven".
8. Section 14 of the principal Act is repealed and replaced by the following section--
- Receipts and payments by the **Authority**.
- 14.(1) The **Authority** is empowered to receive any an monies appropriated from the Consolidated Fund or Capital Fund and any other monies lawfully accruing to the **Authority** from any other source.

- (2) The **Authority** shall establish a General Fund into which all monies received by the **Authority**, and out of which all payments required to be made by the **Authority**, shall be paid.

9. Section 15 of the principal Act is repealed and replaced by the following section-

15.(1) The **Authority** shall pay to every **secondary** school a grant the amount of which shall be determined in accordance with such criteria as the **Authority** may, from time, with the approval of the Minister, determine in relation to the class of **secondary schools** to which that school belongs.

- (2) Where the criteria to enable payment of a grant to a **secondary** school to be made have not been determined or are to **Authority** shall make to that **secondary** school a provisional grant the amount of which shall be in the absolute discretion of the **Authority**.

- (3) A grant or a provisional grant shall be paid at the end of each month.

- (4) Before any grant or provisional grant is made the **Authority** may require the **secondary** school to which the grant or provisional grant is to be made to furnish such information as the **Authority** may require.

- (5) Where in relation to any month the grant payable to a **secondary** school-

- (a) exceeds a provisional grant, the **Authority** shall pay to the **secondary** school any amount shortpaid;
- (b) is less than the provisional grant, the **Authority** shall deduct from any future grant payable to that school any amount overpaid in -such number of instalments as the **Authority** may determine.

- (6) A grant or provisional grant shall not be assignable or transferable or liable to be assigned, sequestered or levied upon except for the purpose of satisfying a debt due to the Crown.

10. Section 16 of the principal Act is repealed and replaced by the following section-

Payment of emoluments to teachers of **secondary schools**

16. (1) Notwithstanding section 15 of this Act, the **Authority** shall deduct from the grant or provisional grant payable to a **secondary** school, the aggregate amount of the emoluments payable by that school to its staff and, subject to subsection (2), shall pay such emoluments directly to the members of the staff concerned without incurring any liability to the **secondary** school or any other person.

- (2) No payment of emoluments shall be made to a member of the staff under subsection (1), unless the **Authority** is satisfied that the emoluments are due.
- (3) Where the emoluments of any member of the staff employed by a **secondary** school are paid directly to him by the **Authority**, that member of the staff shall have no claim against the **secondary** school in respect of his services for the month for which he has received his emoluments from the **Authority**.
- (4) Notwithstanding any other enactment, where the emoluments of a member of the staff are paid directly to him by the **Authority**-
 - (a) the **Authority** shall not be regarded as the employer of that person by reason of the payment of the emoluments to him;
 - (b) the **secondary** school shall always remain the employer of that person and shall, in relation to that person, be responsible for matters of promotion and supervision;
 - (c) any amount overpaid to a member of the staff by the **Authority** shall be set off against any future emoluments payable to that person;
 - (d) matters of discipline and dismissal shall be within the jurisdiction of a Board appointed by the Minister and consisting of-
 - (i) a representative of the **Private Secondary Schools Authority**;
 - (ii) a representative of the employer; and
 - (iii) a representative of the employee.

(5) In this section-

"member of the staff" means any member of the teaching and non-teaching staff of a **secondary** school, other than the manager.

11. Section 19 of the principal Act is repealed and replaced by the following section-

Privilege in favour of the **Authority**.

19. (1) An grant, provisional grant or aid made to a **secondary** school shall be secured by a privilege in favour of the **Authority**.
- (2) The privilege under subsection (1) shall--
 - (a) rank concurrently with the privilege for the wages of employees (gens de travail) under Article 2101 of the Code Napoleon;
 - (b) extend over all the movable and immovable property of the **secondary** school;
 - (c) not require to be inscribed by the Conservator of Mortgages.

12. Section 21 of the principal Act is amended by deleting sub-section (2) and replacing it by the following subsection-

(2) The **Authority** is hereby authorised-

- (a) to frank letters and postal packets destined to persons in Mauritius; and
- (b) to make remittances by money order, free of charge.

13. The Education Ordinance, 1957 is amended in Part III by inserting after section 7 the following section-

Private Secondary Schools Authority to register **Secondary Schools** and staff.

7A. The powers and duties conferred or imposed upon the Minister under this Part shall, in respect of a **private secondary** school, be exercisable by the **Private Secondary Schools Authority**.

Transitional provision.

14. Any member of the Board appointed under section 6(2) (1) and (m) of the principal Act and in office at the commencement of this Act shall be deemed to have been appointed for a period of one year from the date of his appointment.

Passed in the Legislative Assembly on the fourth day of April one thousand nine hundred and seventy-eight.

G. MAURICE BRU
Acting Clerk of the Legislative Assembly.

Related documents: