

THE PRIVATE SECONDARY SCHOOLS AUTHORITY ACT 1976

Act No. 20 of 1976

I assent,

A. R. M. OSMAN

22nd June
1976.

Governor-General
ARRANGEMENT OF SECTIONS

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To provide for the establishment and operation of the **Private Secondary Schools Authority**

(22nd June).

ENACTED by the Parliament of Mauritius, as follows-

Short title.

1. This Act may be cited as the **Private Secondary School Authority** Act 1976.

Interpretation

2. In this Act-
" aid " means any assistance, in whatever form, granted to a **secondary** school by the **Authority** under this Act;

"**Authority** " means the **Private Secondary Schools Authority** established under section 3;

"Board " means the **Private Secondary Schools** Board established under section 6;

"Director " means the person appointed as such under section 10;

"manager " has the same meaning as in the Ordinance;

" member " means a member of the Board and includes the Chairman;

" Minister " means the Minister to whom responsibility for the subject of Education and Cultural Affairs is assigned;

" Ordinance " means the Education Ordinance, 1957;

" Permanent Secretary " means the Permanent Secretary the Ministry of Education and Cultural Affairs;

Ore-vocational school

principal has the same meaning as in the Ordinance;

"**secondary** school " means a **secondary** school registered under the Ordinance, which is not owned and managed by the Government;

"teacher " includes an instructor.

Establishment of the Authority

3. (1) There is established for the purposes of this Act the **Private Secondary Schools Authority**.

(2) The **Authority** shall be a body corporate.

Objects of the Authority

4. The **Authority** shall be responsible for-

Authority. (a) promoting and encouraging education in second **schools**;

(b) setting up and operating, with the Minister's approval schemes to provide aid;

(c) controlling the manner in which and the purposes for which aid is made use of;

(d) ensuring that the terms and conditions of employment of staff, in **secondary schools** are fair and reasonable.

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Functions and powers of the Authority

5. (1) The **Authority**-

(a) shall-

(i) advise or assist in the setting up of pension schemes. for the staff of **secondary schools**;

(b) may-

(i) take over, establish or operate **secondary schools**, laboratories, workshops or libraries in **secondary schools**;

(ii) purchase, issue and control the use of text books and other educational requisites for **secondary schools**.

(2) For the purposes of subsection (1) the **Authority** may-

(a) require the manager of a **secondary** school to-

(i) submit duly acquitted paysheets or any other document pertaining to the salaries of the staff of the **secondary** school;

- (ii) furnish any information relating to the administration of, and teaching in, the **secondary** school;

(b) inspect the books of accounts and attendance registers of a **secondary** school.

(3) The **Authority** shall not, except with the written authorisation of the Minister-

(a) raise loans or borrow money;

(b) mortgage or charge its property; or

(c) issue debentures or other securities as security for any debt, liability or obligation of the **Authority**;

(d) exercise its powers under subsection (1) (b) (1).

The Board

6. (1) The **Authority** shall be administered by a **Private Secondary Schools**

(2) The Board shall consist of-

(a) a Chairman appointed by the Prime Minister;

(b) the Permanent Secretary or his representative;

(c) the Financial Secretary or his representative;

(d) the Director of the Mauritius Institute of Education or his representative;

(e) The Director of the Mahatma Gandhi Institute or his representative

(f) the Director;

(g) a public officer appointed by the Minister

(4) No Person shall be qualified for appointment under subsection (2) if he is a member of or a candidate for election to, the Assembly or any local **authority**.

(5) (a) The Board may, with the approval of the Minister co-opt such other Persons not exceeding three in number to Numbers of the Board.

(b) No co-opted member shall have the right to vote,

Remuneration of members

7. Every member may be paid such remuneration or allowances as the Minister may from time to time determine.

exercise of powers of the Board

8. (1) Subject to subsection (2), the Chairman shall preside of every meeting of the Board.

(2) In the absence of the Chairman at any meeting of the Board, the Permanent Secretary or his representative shall preside at the meeting.

(3) The Board shall meet at such time and place as the Chairman may appoint.

(4) Notice of every meeting shall be given to the members by the Director.

(5) Seven members shall constitute a quorum

(6) Any cheque upon any banking account kept by be **Authority** shall be signed by any two of the following persons-

(a) the Chairman;

(b) the Director

(c) such other officer as may be designated for the purpose by the Board.

Powers of the Minister

9.(1) The Minister may, in relation to the exercise of its function by the Board, give such directions to the Board as he considers necessary in the public interest and the Board shall comply with those directions.

(2) The Board shall furnish to the Minister such reports and other information with respect to the activities of the **Authority**, in such manner and at such time, as the Minister may require.

(3) The Director shall furnish to the Minister such returns or copies of such documents, including the minutes of proceedings of the Board and the accounts of the **Authority**, as the Minister may require.

Director

10.(1) There shall be a chief executive officer of the **Authority** Director who. shall -

11.

(a) be known as the Director ; and

(b) be appointed by the Prime Minister.

(2) The Director shall be responsible for the execution of the policy of the **Authority** and for the control and management of its day to day business.

(3) In the exercise of his functions the Director shall act in accordance with such directions as he may receive from the Board.

Appointment of staff

II. (1) The Board may, with the approval of the Minister, appoint, on such terms and conditions as it thinks fit, such staff as may be necessary for the proper discharge of its functions under this Act.

(2) The staff of the **Authority** shall be under the administrative control of the Director.

12. Conditions of service of staff

The Board may, with the approval of the Minister, make provision to govern the conditions of service of the staff of the **Authority**, and in particular to deal with -

- (a) the appointment, dismissal, discipline, pay and leave of, and the security to be given by, staff ;
- (b) appeals by staff against dismissal and other disciplinary measures ;
- (c) the establishment and maintenance of a superannuation scheme and medical benefits and loan funds and the contributions payable thereto and the benefits recoverable therefrom.

Protection of staff

13. (I) No liability, civil or criminal, shall attach to any member or officer of the Board, in respect of any act which any one of them has done or omitted to do in good faith in the execution or purported execution of the functions of the **Authority** under this Act

Charges to General Fund

17. The **Authority** may, in furtherance of its objects and in accordance with the terms and conditions upon which its funds may have been obtained, given or derived, charge to the General Fund all remuneration, allowances, salaries, fees, pensions superannuation fund contributions, gratuities, working expenses and all other charges properly arising, including any necessary capital expenditure.

Provision for loan redemption and depreciation

18. The **Authority** shall make adequate provision for-

- (a) the redemption of loans at due time
- (b) interest on all other charges and expenses incurred in connection with loans;
- (c) the depreciation or diminution in value of its assets.

Estimates

20. (1) The **Authority** shall, at least three months before the beginning of every financial year, submit to the Minister an estimate of the income and expenditure of the **Authority** for that financial year.

(2) (a) The Minister shall, before the beginning of the financial year but subject to paragraph (b), signify in writing his approval of the estimate.

(b) In signifying his approval under paragraph (a), the Minister may-

- (i) approve part only of the expenditure under any item;
- (ii) direct the **Authority** to amend the estimates in respect of any item in such manner as he thinks fit.

(3) The **Authority** shall not incur any expenditure unless it has received the prior approval of the Minister under this section.

Exemptions

21. (1) Notwithstanding any other enactment, the **Authority** shall be exempt from payment of every duty, rate, charge, fee, tax or licence.

22. (1) The Minister may, after consultation with the **Authority** Regulations make such regulations as he thinks fit for the purposes of this Act.

(2) Any regulation made under subsection (1) may provide that any person who contravenes any provision thereof 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

Consequential amendment

23. (1) Subject to subsections (2) and (3), the Statutory Bodies (Accounts and Audit) Act, 1972, is amended in the First Schedule by adding the following item-

. 28. The **Private Secondary Schools Authority** Act No. 20 of 1976.

(2) For the purposes of the Statutory Bodies (Accounts and Audit) Act, 1972 the period extending from the commencement of this Act to the 30th June next following shall be deemed to be the first financial year of the **Authority**.

(3) Section 7 (1) of the Statutory Bodies (Accounts and Audit) Act, 1972 shall not apply in relation to the first financial year of the **Authority**.

commencement

24. This Act shall come into operation on a day to be fixed by Proclamation 20th Sep 1976.

Related documents: