



LAWS OF FIJI

CHAPTER 262

EDUCATION

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*Ordinances Nos. 36 of 1966, 21 of 1968,
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AN ACT TO CONSOLIDATE AND AMEND THE LAW RELATING TO
EDUCATION IN FIJI

[1st September, 1966.]

PART I—PRELIMINARY

Short title

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

Interpretation

- 2.—(1) In this Act, unless the context otherwise requires—
“aided school” means any school aided by way of a recurrent grant out of public funds;

- “authorised officer” means any public officer authorised for the purpose by the Permanent Secretary;
- “Board of Governors” means a Board established under the provisions of section 14;
- “certificate” means a certificate in the prescribed form authorising a person to teach, granted under the provisions of section 27;
- “Department” means the Ministry of Education;
- “Education Forum” means the Education Forum established under Part III;
- “Government school” means a school maintained out of public funds and controlled by the Department;
- “hostel” means a boarding establishment run in conjunction with a school;
- “licence” means a licence in the prescribed form authorising a person to teach, granted under the provisions of section 27;
- “manager” in relation to any school, other than a Government school, means the person or body of persons responsible for the management of the school and for the purposes of the provisions of this Act relating to applications for the establishment of schools and registration or recognition of schools, includes any person or body of persons proposing to be so responsible;
- “medical inspection” includes the physical examination of pupils and the consideration of all matters affecting the health of such pupils;
- “parent” in relation to any pupil or child, includes a guardian and every person who has the actual custody of the pupil or child;
- “Permanent Secretary” means the Permanent Secretary for Education;
- “pupil” includes a person of any age for whom education is provided under the provisions of this Act and any person enrolled on any school register;
- “recognized school” means a school granted a certificate of recognition under the provisions of this Act;
- “registered school” means a school granted a certificate of registration under the provisions of this Act;
- “school” means an institution in which not less than ten pupils receive regular instruction by way of personal tuition, and any assembly of not less than ten pupils for the purpose of receiving any such regular instruction, and any institution or place from which a regular instruction emanates or is imparted to pupils, by means of correspondence, but shall not include—
- (a) any institution or assembly in which the instruction is, in the opinion of the Permanent Secretary, wholly or mainly of a religious character; or
 - (b) any institution owned and maintained by a religious society for the purpose of training persons—
 - (i) for the ordained ministry; or
 - (ii) for admission to a religious order under the direction of or associated with such religious society:Provided that any class, division or section of any such institution or assembly in which instruction is, in the opinion of the Permanent Secretary, wholly or mainly devoted to secular subjects shall be deemed to be a school; or
 - (c) any institution or assembly the principal purpose of which is to impart instruction in hobbies, games or sport;

- (d) any institution or assembly which may be wholly or partially exempted from the provisions of this Act by the Minister;
 "school health officer" includes any Medical or Dental Practitioner, Health Sister, District Nurse, or any other person appointed by the Permanent Secretary for Health to act as a school health officer;
 "teacher" means any person authorised under the provisions of Part X to teach in any school or schools, except a student under training;
 "Teachers' Appeals Board" means the Teachers' Appeals Board established under the provisions of subsection (3) of section 27.

(2) Wherever in this Act the Minister is empowered or obliged to act with the advice of the Education Forum he shall consult the Education Forum but shall not be bound by its advice.

(Section amended by 14 of 1975, s. 63 and 30 of 1976, s. 2.)

PART II—CENTRAL ADMINISTRATION

Pupils to be educated in accordance with the wishes of their parents

3. The Permanent Secretary, in the exercise and performance of the powers and duties conferred or imposed on him under the provisions of this Act, shall have regard to the general principle that, so far as is compatible with the provisions of efficient instruction and training and the avoidance of unreasonable public expenditure, pupils should be educated in accordance with the wishes of their parents.

Minister may give directions

4. The Minister may give directions, not inconsistent with the provisions of this Act, as to the exercise of any of the Permanent Secretary's powers and duties under the provisions of this Act. *(Inserted by 21 of 1968, s. 3.)*

Director's powers in respect of public funds, etc.

5. The Permanent Secretary may from time to time from public funds—
- (a) establish or maintain or make grants-in-aid to, or advances on loan in respect of, schools, school libraries, school staffs and school buildings upon and subject to such conditions and upon such conditions and upon such security or otherwise as the Permanent Secretary may consider appropriate;
 - (b) establish or maintain hostels in connexion with schools established or maintained under the provisions of this Act, and make grants or advances in aid of the establishment, maintenance or repair of such hostels;
 - (c) maintain, or make grants or advances in aid to any person, body of persons, institution or organization to assist in promoting the education of the people of Fiji or a substantial section thereof;
 - (d) provide in whole or in part for transporting pupils to and from any Government or aided school, or for, or in connexion with, any activity of educational value;
 - (e) provide for the compulsory medical inspection of pupils at any school;
 - (f) make such other provisions for the carrying on of public education as may be consistent with the provisions of this Act;

- (g) provide for the reimbursement of the expenses of any body constituted under the provisions of this Act.

PART III—EDUCATION FORUM

(Inserted by 30 of 1976, s. 3.)

Education Forum

6. For the purpose of this Act there shall continue to be established an Education Forum the functions of which shall be to advise the Minister on—

- (a) the organisation of education facilities;
- (b) education policy matters;
- (c) any educational matter submitted in writing by any member of the Forum;
- (d) any other educational matter submitted to the Forum by the Permanent Secretary.

Membership of Education Forum

7.—(1) The Education Forum shall consist of the Permanent Secretary, the Deputy Secretaries, one representative from each of the Fiji Teachers' Union and the Fijian Teachers' Association, the President, Fiji Principals' Association and ten representatives of the controlling authorities of registered or recognised schools.

(2) The ten representatives of the controlling authorities shall be selected by such authorities in each of the four education divisions so that the number to represent each division shall be as follows:—

Western Division	3
Central Division	2
Eastern Division	3
Northern Division	2

(3) Each representative of the controlling authorities shall hold office for a period of one year unless he sooner dies, resigns or is removed from office by the Minister, and shall be eligible for reselection.

(4) The Chairman of the Education Forum shall be the Permanent Secretary, or in his absence one of the Deputy Secretaries, or in the absence of the Permanent Secretary and the Deputy Secretaries such other member as the Forum shall elect to be temporary Chairman.

(5) The Secretary to the Education Forum shall be an officer of the Department appointed by the Permanent Secretary.

Proceedings and meetings

8.—(1) The Education Forum may—

- (a) decide the number required to constitute a quorum of the Forum.
- (b) appoint and decide the constitution and functions of committees of the Forum;
- (c) regulate its own procedure in so far as is not prescribed by or under the provisions of this Act.

(2) The Education Forum shall meet at such times as the Minister may decide but not less than three times in any one year.

(3) The Education Forum, at the discretion of the Chairman, may invite any person or persons to attend any meeting of the Forum or its committees and such person or persons may take part in the proceedings of that meeting but shall not be entitled to vote.

Reports

9. It shall be the duty of the Permanent Secretary, as Chairman of the Education Forum, to report to the Forum the action taken on any matter on which the Forum has advised the Minister.

PART IV—CURRICULA AND EXAMINATIONS

Curricula and examinations

10.—(1) The basic curricula in all registered and recognized schools shall be as laid down or approved from time to time by the Permanent Secretary.

(2) The Permanent Secretary may from time to time institute such examinations as he shall deem necessary, and may make rules concerning the content and conduct of such examinations.

(3) The Permanent Secretary may, in his discretion, establish committees on a temporary or permanent basis, comprising such persons as he may think fit, to advise him on any curriculum and any examination.

PART V—RELIGIOUS INSTRUCTION

Religious instruction in schools

11.—(1) Provision for religious instruction may be made in any school provided that teachers shall not be compelled to give or be present at such instruction against the dictates of their conscience.

(2) If the parent of any pupil requests that such pupil be wholly or partly excused from attendance at religious instruction in the school, the pupil shall be excused from such attendance wholly or partly as the case may be.

PART VI—MANAGEMENT OF SCHOOLS

Vesting of management of schools

12.—(1) The management of every registered and recognized school or group of schools shall be vested in a properly constituted controlling authority which shall appoint a manager and submit his name, and, if a manager is appointed *ex-officio*, his title, to the Permanent Secretary for registration.

(2) The Permanent Secretary may register such manager or may refuse to register him if he is a person who has been or is liable to be prohibited from managing or assisting in the management of a school.

(3) The Permanent Secretary shall have power, by notice in writing, to prohibit any person from managing, or assisting in the management of, any school or group of schools if—

(a) he has been convicted of any offence involving dishonesty, fraud, violence or immorality; or

(b) he is an undischarged bankrupt; or

(c) while he was manager or assisting in the management of any school any of the circumstances mentioned in paragraphs (a), (c) and (d) of subsection (1) of section 24 arose, in consequence of which the school was closed under the powers conferred by that section.

(Amended by 30 of 1976, s. 4.)

(4) Any person who manages or assists in the management of a school or group of schools when not registered as the manager or after he has been

prohibited from so doing under the provisions of subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred dollars and in default of payment to imprisonment for a term not exceeding six months.

Establishment of Boards of Governors for Government Schools

13.—(1) If, in the opinion of the Permanent Secretary, the establishment of a Board of Governors would be in the interests of any Government school or group of Government schools, he may by notification in the Gazette establish a Board of Governors for that school or group of schools with such membership, powers, duties and functions as the Permanent Secretary may determine.

(2) Any Board of Governors established under the provisions of subsection (1) may appoint a chairman and a secretary from among its members and, in the absence of the chairman or of the secretary from any of its meetings, may appoint a member of the Board to act as temporary chairman or secretary.

(3) Any Board of Governors established under the provisions of subsection (1) may, in so far as this is not otherwise prescribed, regulate its own procedure.

Continuance of existing Boards

14. The Permanent Secretary may approve, with or without modification, the constitution of any Board of Governors in existence at the commencement of this Act and thereupon such Board shall be deemed to be a Board of Governors appointed under the provisions of this Act and shall continue to function under such constitution with or without such modification.

PART VII—CONTROL OF SCHOOLS

Classification and nomenclature of schools

15.—(1) The Permanent Secretary may adopt a system of classification with appropriate nomenclature for distinguishing—

(a) different types of schools according to the nature or form, or highest form, of education provided therein respectively; and

(b) different classes, standards or forms within schools according to the stage and nature of education provided therein respectively.

(2) Any manager of a school who, with intent to mislead, wilfully publishes any written matter or wilfully causes any matter to be broadcast suggesting that the school is of a type or classification other than that in which it is, for the time being, classified under this Part, shall be guilty of an offence, and liable on conviction to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding two months or to both such fine and imprisonment.

Establishment of schools

16.—(1) (a) Any person desirous of establishing a school shall first apply in the prescribed manner and when approving such application, the Permanent Secretary may impose such conditions as he thinks fit.

(b) After approval being given, the applicant shall apply for a prescribed certificate of recognition or registration, as the case may be.

(2) For the purposes of this Act, the establishment of a school, without prejudice to the generality of that expression, shall be deemed to include—

- (a) the provision of any nature or form of education in any school, being a nature or form of education different from the nature or form of education falling within the classification in which the school is, for the time being, classified;
- (b) the adoption by the manager of any school, by any means, in relation to the school, of a different nomenclature from that in which that school is, for the time being, classified;
- (c) the reopening of any school which has remained closed for a consecutive period of six months or more;
- (d) for the transfer of ownership or change of controlling authority of any school, whether such transfer or change takes effect by way of partnership or otherwise;
- (e) the transfer of a school to a new site.

(3) The Permanent Secretary may refuse any application for approval of the establishment of a school if he is satisfied that—

- (a) the number of potential pupils in the area capable of benefiting from the facilities offered by the proposed school is too small to warrant the establishment of such a school; or
- (b) the proposed site or premises is unsuitable or inadequate for the type of school sought to be established; or
- (c) the proposed school will not be in the best interests of education in relation to the best use of Government funds, or otherwise; or
- (d) adequate provision already exists for the type of education which it is proposed to give in the school; or
- (e) the proposed manager or any proposed assistant in the management of such school is prohibited or is liable to be prohibited from serving in such capacity under the provisions of section 12.

(4) Where the Permanent Secretary has refused his approval under the provisions of subsection (3), the applicant for such approval may, within thirty days of the date of such refusal, appeal to the Minister whose decision shall be final.

(5) The Permanent Secretary may refuse an application for a certificate of registration or recognition or if, in his opinion, there has been a breach—

- (a) of any prescribed condition of registration or recognition;
- (b) of any condition imposed by the Permanent Secretary when approving the application under subsection (1).

(6) The Permanent Secretary may, when issuing a certificate of registration or recognition, classify the school in a category which restricts the highest form or type of education which may be provided therein and shall specify in such certificate any condition thereof which may be prescribed from time to time or any condition which the Permanent Secretary thinks fit to impose.

(7) The Permanent Secretary may cancel the certificate of registration or recognition, as the case may be, of any school which he is satisfied has remained closed for a period of six consecutive months.

(8) The Permanent Secretary may, at any time, cancel the certificate of registration or recognition of a school which has ceased or failed to conform to the conditions prescribed, or imposed by the Permanent Secretary, for such a school. When the Permanent Secretary so cancels a certificate of registration he may in its place issue a certificate of recognition.

- (9) (a) The controlling authority of any registered or recognized school shall be specified in the certificate of registration or recognition of such school and when any change of controlling authority occurs, within three months of such change, the Permanent Secretary shall be informed thereof in writing and the certificate shall be returned for endorsement thereon of the change of controlling authority.
- (b) The provisions of paragraph (a) shall be deemed to be a prescribed condition of any certificate of registration or recognition.
- (10) (a) (i) A certificate of registration or recognition shall be returned to the Permanent Secretary within fourteen days of his request therefor being received in writing, to be endorsed to give effect to the powers of the Permanent Secretary prescribed by this section or under this Act;
- (ii) the provisions of sub-paragraph (i) shall be deemed to be a prescribed condition of any certificate of registration or recognition;
- (b) the Permanent Secretary may, instead of endorsing any such certificate, cancel the same and issue another in its place;
- (c) the Permanent Secretary may, at any time upon the application of any school or in his discretion, cancel a certificate of recognition and in its place issue a certificate of registration.
- (11) The Permanent Secretary shall, at convenient intervals, publish in the Gazette a list of schools for the time being registered or recognised under the provisions of this Act and of any schools the registration or recognition of which has been cancelled.
- (12) Any person who—
- (a) proceeds with the establishment of a school, approval for the establishment of which has not been granted; or
- (b) maintains a school which has not been registered or recognized under this Part; or
- (c) manages or assists in the management of any such school, or of any school the registration or recognition of which is cancelled under the provisions of this section; or
- (d) manages or assists in the management of any school in which to his knowledge any publication or periodical publication which is for the time being declared to be unsuitable for use in schools by the Permanent Secretary under the provisions of section 30, or any copy thereof, or extract therefrom, is used as part of the instruction provided in such school,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand dollars and in default of payment to imprisonment for a period not exceeding six months and to a further fine not exceeding twenty dollars for each day on which the offence continues after conviction therefor.

(Amended by 30 of 1976, s. 6.)

Health and safety

17.—(1) If the Permanent Secretary is satisfied with respect to any school that having regard to the nature of the site or to any existing buildings thereon or to other special circumstances affecting the school premises it would be unreasonable in that case to require conformity with the prescribed requirements relating to

health and safety in schools, in any particular respect, he may waive all or any of such prescribed requirements.

(2) Where it appears to the Permanent Secretary that the premises of any school do not conform with any such regulations, he may order the manager of such school to execute within a reasonable period to be stated in the order, such specified works as are necessary to secure such conformity and, if the Permanent Secretary is satisfied that such an order has not been carried out, he may order the manager to close the school.

Inspection of schools

18.—(1) The Permanent Secretary or any authorised officer may visit, with or without notice, and enter and inspect any school or any place in which there is reason to believe that a school is being conducted and inspect the work of any teacher or teachers in such school or place:

Provided that no inspection of any staff living quarter shall be carried out except with the prior permission of the occupier of such quarter.

(2) For the purposes of this section a school shall be deemed to include any part of such school and any building used in connexion with it, including workshops, dormitories, kitchens, sanatoria, hostels and all ancillary buildings.

Closing of schools

19.—(1) If, as a result of an inspection carried out in accordance with the provisions of section 18 or otherwise, the Permanent Secretary is satisfied that—

- (a) any school is conducted in a manner which is calculated to be detrimental to the physical, mental or moral welfare of the pupils attending thereat or that any instruction has been imparted therein, to any pupil, which is prejudicial to peace, good order or good government of Fiji; or
- (b) the premises of any school do not and cannot at reasonable expense be made to conform with the prescribed requirements relating to health and safety; or
- (c) the basic curriculum approved by the Permanent Secretary is persistently and materially departed from in any school; or
- (d) any publication or periodical publication which is for the time being declared unsuitable for use in schools by the Permanent Secretary, or any copy thereof, or extract therefrom, is, or has been, after the date of such declaration, knowingly used or referred to in, or in the course of, or as part of the instruction provided in any school; or
- (e) any school is not for the time being registered or recognized under and in accordance with this Part; or
- (f) any person is managing or assisting in the management of any school after having been prohibited from serving in such capacity under the provisions of subsection (3) of section 12; or
- (g) it is not in the best interests of education in relation to the best use of Government funds, or otherwise to keep any school open,

he may order the manager of such school to close the school.

(Amended by 30 of 1976, s. 7.)

(2) The controlling authority of any school may, at any time, request the Permanent Secretary to close such school and, in such event, the Permanent Secretary may order the manager of such school to close the school.

(3) Any school ordered to be closed under the provisions of this section and which has remained closed for a period of less than six months may be reopened at the discretion of the Permanent Secretary.

(4) When a school has been ordered to be closed under any of the provisions of this Act, the manager of such school may, within 30 days of the date of such order, appeal against such order of closure to the Minister whose decision shall be final and pending the disposal of such appeal, the Permanent Secretary may, in his discretion, permit the school to remain open.

Offence

20. Any person who keeps open or reopens otherwise than in accordance with the provisions of this Act a school ordered to be closed under the provisions of this Part, or manages or assists in the management of any such school, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred dollars and in default of payment to imprisonment for a term not exceeding six months, and to a further fine, not exceeding four dollars for each day on which the offence continues after conviction therefor.

PART VIII—TEACHERS

Certificate of licence to teach required

21. No person shall teach in any school unless he holds a certificate authorising him to teach issued by or recognized by the Permanent Secretary, or a licence to teach issued by, or with the authority of, the Permanent Secretary and signed by the Permanent Secretary or by an authorised officer:

Provided that if it appears to the Permanent Secretary that in the case of any particular person not being the holder of such a certificate or licence, special circumstances exist, the Permanent Secretary may authorise such person to teach in any specified school, or classification or type of school, or in any specified class, standard or form in any specified school, or classification or type of school, subject to such restrictions or limitations as the Permanent Secretary may think fit to impose.

Issue and cancellation of certificates or licences and appeals against cancellation

22.—(1) Subject to any regulations made under the provisions of this Act, the Permanent Secretary may issue to any person a certificate or licence authorising such person to teach in any school or classification or type of school or may recognize a teaching certificate awarded elsewhere:

Provided that—

- (a) the Permanent Secretary may refuse to issue or at any time cancel any such certificate or licence or his recognition of a certificate awarded elsewhere, if he is satisfied that such person is unsuitable to be a teacher on the grounds that he—
- (i) has been guilty of dereliction of duty or immorality or habitual drunkenness; or
 - (ii) has been convicted of an offence involving dishonesty, fraud or violence; or

- (iii) has imparted to any pupil any instruction which the Permanent Secretary considers to be prejudicial to peace, good order or good government in Fiji or detrimental to the physical, mental or moral welfare of the pupils; or
 - (iv) has given to the Permanent Secretary or an authorised officer false information relating to his character, qualifications and experience; and
- (b) any person whose certificate, licence or recognition has been so cancelled, may, at any time after the expiration of twelve months from the date of such cancellation and from time to time at intervals of not less than six months thereafter, apply to the Permanent Secretary for the restoration of such certificate, licence or recognition and the Permanent Secretary may, having regard to the character of such person, his conduct subsequent to such cancellation and any other circumstances which the Permanent Secretary may consider relevant restore such certificate, licence or recognition or may refuse the application;
- (c) the Permanent Secretary may, in his discretion, at any time cancel any such certificate and issue in place thereof a licence to teach and may, likewise, issue a certificate upon the cancellation of a licence.
- (2) Upon refusing to issue or cancelling any certificate or recognition or upon refusing to restore any cancelled certificate or recognition as aforesaid, the Permanent Secretary shall notify the person whose certificate or recognition is refused or cancelled or whose application for the restoration of any cancelled certificate or recognition has been refused, that he may appeal against such refusal or cancellation, within the period of thirty days after the service of such notification upon him, to the Teachers' Appeals Board established under the provisions of subsection (3). Such notification shall state shortly the grounds for such refusal or cancellation.
- (3) There is hereby established a board to be known as the Teachers' Appeals Board consisting of a chairman and not less than two other members and a secretary to be appointed by the Minister by notice in the Gazette. The Teachers' Appeals Board may in determining any appeal submitted to it under the provisions of this section act on general evidence or statements relating to the character, academic record and general suitability of the appellant and shall not be bound to receive and consider only evidence admissible in a court of law, and any determination by the Teachers' Appeals Board of any such appeal shall be final and conclusive.
- (4) The Minister may make rules regulating the manner and form in which appeals may be submitted to the Teachers' Appeals Board and the procedure of the board for the hearing and determining of such appeals but subject thereto the board shall determine its own procedure.

Approval of appointment of teachers

23. The appointment of teachers (other than public officers) in any school shall lie with the manager of such school, but every such appointment shall be subject to the prior approval of the Permanent Secretary.

*Offences***24.** Any person who—

- (a) not being the holder of a certificate or licence to teach issued under the provisions of section 22 and not being a person authorised by the Permanent Secretary to teach under the provisions of the proviso to section 21, teaches or assists in teaching in any school; or
- (b) employs or engages as a teacher in any school any person, not being the holder of a certificate or licence as aforesaid and not being a person authorised as aforesaid; or
- (c) being a person authorised to teach by the Permanent Secretary, under the provisions of the proviso to section 21, teaches or assists in teaching in any school in which he is not so authorised to teach or in any class, standard or form in which he is not so authorised to teach; or
- (d) employs or engages such a person as is referred to in paragraph (c) as a teacher in any school or in any class, standard or form in which such person is not so authorised to teach; or
- (e) teaches or acts as a teacher otherwise than in accordance with any conditions to which his certificate or licence to teach is subject; or
- (f) being the holder of a certificate or licence to teach under the provisions of section 22 or being a person authorised by the Permanent Secretary to teach under the provisions of the proviso to section 21 uses as part of the instruction provided in any school any publication or periodical publication which has been declared by the Permanent Secretary to be unsuitable for use in schools, or any copy thereof or extract therefrom,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding three months:

Provided that it shall not be an offence under this section for a person whose certificate, licence or recognition has been cancelled by the Permanent Secretary under the provisions of section 22 to teach or assist in teaching pending the determination of any appeal lodged by him under the provisions of that section unless such person has been suspended or interdicted from duty.

(Amended by 30 of 1976, s. 8.)

PART IX—FEES*Fees to be prescribed, etc.*

25.—(1) Such fees as may be prescribed by the Minister shall be payable in Government schools.

(2) Any pupil or potential pupil in respect of whom any fees are due and owing may be refused admission or re-admission to school, as the case may be, or if such pupil or potential pupil has been admitted or re-admitted may be excluded from school until all fees due up to the date of such exclusion have been paid.

(3) The Permanent Secretary may remit, in whole or in part, the fees due in respect of tuition, books, board or medical attention from any individual pupil or group of pupils.

(4) Fees for tuition, books, board or medical attention payable in respect of the pupils in any Government school shall be payable at such time and in such manner as may be prescribed.

(5) The parent of a pupil shall be liable for all fees due in respect of such pupil at a Government school, whether or not such parent enrolled such pupil, and the Permanent Secretary or the Principal or other person or body by whom such fees are recoverable may, in his or its own name, institute proceedings for the recovery from such parent of any such fees.

Crediting of fees

26. All fees in respect of pupils in Government schools shall be accounted for and paid into the Consolidated Fund.

PART X—MEDICAL INSPECTION

Medical Inspection

27.—(1) Every pupil in attendance at a school shall be liable to medical inspection and medical and dental treatment by a school health officer:

Provided that if a parent of any pupil objects to medical inspection or to medical or dental treatment by such officer he may signify his objection in writing to the Head Teacher or Principal, who may excuse such pupil from such medical inspection or treatment on condition that the parent agrees to arrange at his own expense for medical inspection or treatment, as the case may be, to be carried out by a medical or dental practitioner of his own choice and, in the case of inspection, to forward to the school health officer a report of the results of the examination and agrees that the pupil may be excluded from school in the absence of such reports.

(2) If any pupil, whether excused from medical inspection by the school health officer or not, appears to the Head Teacher or Principal to require medical inspection, such Head Teacher or Principal may require such pupil to be medically examined and to produce to him a certificate signed by a medical practitioner that he is free from any condition liable to endanger the health of others and may exclude such pupil from attendance at school until he shall have produced such a certificate.

PART XI—COMPULSORY EDUCATION

Order applying compulsory education

28.—(1) The Minister may, with the consent of Parliament, by order, specify any area or areas of Fiji in which all children of such age or ages as may be specified in such order shall be required to attend a school.

(2) When any order has been made under the provisions of subsection (1), the Minister may make regulations to secure that every child of the age specified in such order shall receive education in a school.

(Section amended by Order 7th October, 1970.)

PART XII—REGULATIONS

Regulations

29. The Permanent Secretary, with the approval of the Minister, may make regulations for any purposes for which regulations may be made by him under this Act and for prescribing anything which may be prescribed thereunder and otherwise for the purpose of carrying this Act into effect, and in particular, but

without prejudice to the generality of the foregoing, may make regulations with respect to all or any of the following matters:—

- (a) providing for the procedure to be adopted by the Education Forum and any Board, Committee or other body constituted, appointed or established under the provisions of this Act;
- (b) providing for the grant and withdrawal of scholarships and prescribing conditions therefor;
- (c) prescribing the manner in which application shall be made for the establishment of a school and for the forms of application and of certificates of registration and recognition in connexion therewith;
- (d) imposing conditions subject to which schools may be registered or recognized;
- (e) prescribing conditions of certificates of registration or recognition;
- (f) prescribing the minimum requirements for buildings and equipment used in schools and for the health and safety of pupils therein and prescribing different requirements for different classifications of schools;
- (g) prescribing the form of certificates and licences to teach;
- (h) imposing conditions subject to which certificates and licences to teach may be issued, specifying the qualifications required for certificated and licensed teachers and prohibiting a teacher holding any such certificate or licence from teaching in any particular class, standard or form in any school or classification or type of school;
- (i) specifying the time and the manner in which fees for tuition, books, board or sports shall be payable in respect of Government schools and providing for the remission of the whole or any part of such fees;
- (j) regulating the manner in, and the purposes for, which fees may be charged in any aided school and fixing the minimum or maximum fees payable therein;
- (k) providing for and regulating the making and maintenance of grants in aid of or in respect to the establishment and maintenance of schools, school buildings, school staffs and school libraries and the establishment, maintenance and repair of hostels in connexion with schools, and otherwise to assist in promoting the education of the people or any substantial section thereof;
- (l) providing for and regulating the compilation and production of proper accounts of income and expenditure of schools and of controlling authorities of schools. (*Amended by 30 of 1976, s. 9.*)

PART XV—GENERAL

Unsuitable publications

30. The Permanent Secretary may, by notice in the Gazette, declare any publication or periodical publication to be unsuitable for use in schools, and such a declaration made in respect of a periodical publication may include all past and future issues thereof. For the purposes of this section, the expression "publication" and "periodical publication" have the meaning assigned to them respectively in section 60 of the Penal Code, and such a declaration as aforesaid shall be deemed to extend to all copies, in whatever language, of such publication or periodical publication.

(Cap. 17.)

Penalty for disturbance

31. Any person who maliciously disturbs any school or who insults or abuses any teacher in the presence or hearing of the children assembled in school or in the school grounds shall be guilty of an offence and shall be liable to a fine not exceeding two hundred dollars and in default of payment to imprisonment for any period not exceeding two months.

(Amended by 30 of 1976, s. 10.)

Saving

32. No defect or invalidity in the appointment of any member of any Board, Committee or other body, constituted, appointed or established by or under the provisions of this Act shall prejudicially affect or render invalid any proceedings of, or the exercise of any functions by, any such Board, Committee or other body.

Signification of documents

33.—(1) Any order, notice, approval, disapproval or document made or issued by any Board, Committee or other body established, appointed or constituted by or under the provisions of this Act may be signified by the chairman or secretary of such Board, Committee or other body, or by any member thereof duly authorised in that behalf, and any order, notice, approval, disapproval or document purporting to be so authenticated shall be deemed, until the contrary is proved, to have been made or issued by the Board, Committee or other body on whose behalf it purports to have been made or issued.

(2) Any order, notice, approval, disapproval, certificate, licence or other document made or issued by or under the provisions of this Act purporting to have been made or issued by the Permanent Secretary shall be deemed, until the contrary is proved, to have been made or issued by the Permanent Secretary.

Controlled by Ministry of Education

EDUCATION

SECTION 22.—EDUCATION (TEACHERS' APPEALS) RULES

Rules 3rd April, 1964 [in force 17th April, 1964].

Made by the Governor

Short title

1. These Rules may be cited as the Education (Teachers' Appeals) Rules.

Interpretation

2. In these Rules—

“advocate” means a person enrolled as a barrister and solicitor of the Supreme Court;

“Board” means the Teachers' Appeals Board constituted under subsection (3) of section 22 of the Act.

Grounds of appeal

3.—(1) Every appeal to the Board pursuant to subsection (2) of section 22 of the Act, shall be in the form set out in the Schedule or to the like effect, signed by the appellant or his advocate. The petition of appeal shall set forth concisely and under distinct headings the grounds of appeal against the decision of the Permanent Secretary but shall not contain any matters of argument or statement of facts.

(2) The petition shall contain the decision appealed against and shall be supported by an affidavit or affidavits relating to the facts of the matter.

Copies of petition of appeal to be lodged with Secretary of Board

4. Four copies of the petition of appeal shall be lodged with the Secretary of the Board in Suva, within thirty days from the service of the notification against which the appeal is brought. A copy of the petition of appeal together with any other documents filed therewith shall be served forthwith upon the Permanent Secretary at his office in Suva either personally or by registered post.

Permanent Secretary may file affidavit in reply

5. Not later than seven days before the date of hearing of the appeal the Permanent Secretary may file an affidavit or affidavits in reply. The original and two copies of any such affidavits shall be lodged with the Secretary of the Board and one copy thereof shall be served either personally or by registered post on the appellant or his advocate not later than such time of lodging.

Board to fix time and place of hearing

6. As soon as possible after the lodging of a petition of appeal the Board shall fix a time and place for the hearing of the appeal, such time to be not more than twenty-eight days after the date upon which the petition of appeal is lodged; and the Secretary shall give to the appellant and to the Permanent Secretary not less than ten days' notice of the time and place of hearing.

Parties may appear personally or by advocate

7. The parties may appear before the Board either personally or by advocate.

Additional evidence

8. At the hearing of the appeal the parties shall not be entitled to call evidence or to adduce additional documentary evidence save with the leave of the Chairman of the Board.

Non-appearance of parties

9. If the appellant shall not appear at the time and place fixed for the hearing of the appeal and shall not furnish to the Board sufficient excuse for his non-appearance the appeal shall be dismissed. If the Permanent Secretary or his representative shall not appear the appeal may be heard and determined in his absence.

Decision of the Board

10. The decision of the Board may be given orally at the conclusion of the hearing of the appeal, or may be reserved. In the latter event the decision shall be given in writing and a copy thereof forwarded both to the appellant or his advocate and to the Permanent Secretary.

Procedure

11. The Chairman of the Board shall determine the procedure to be followed at the hearing of an appeal and in doing so shall have regard to the procedure normally followed at the hearing of civil cases before the courts of Fiji.

Board may extend time for good cause

12. Any period of time specified under these Rules for the doing of any act, save and except the period of thirty days provided by rule 4 for filing of the petition of appeal, may be extended by the Board for good cause.

SCHEDULE

FORM OF PETITION OF APPEAL

The Secretary,
Teachers' Appeals Board,
Suva.

Take notice that I of
..... do hereby petition to
the Teachers' Appeals Board against the decision of the Permanent Secretary for
Education in

*refusing to issue me with a certificate or licence to teach

*cancelling my certificate or licence to teach given on the

day of , 19 , a copy of which decision is attached to this
petition.

* Omit whichever is inapplicable.

The grounds of my appeal are as follows:—

- 1.
- 2.
- 3.
- 4.

And upon the further grounds set out in the affidavit(s) of
sworn and lodged in support of this petition.

Dated at this day of , 19 .

.....
Appellant
Barrister and Solicitor for Appellant

SECTION 25—EDUCATION (FEES) RULES

Short title

1. These Rules may be cited as the Education (Fees) Rules.

Fees: Resident pupils

2. The fees set out in the First Schedule shall be charged in respect of pupils who are ordinarily resident in Fiji and who are in full time attendance at the Government Schools specified in such Schedule.

Fees: Pupils not ordinarily resident in Fiji

3. The fees set out in the Second Schedule shall be charged in respect of pupils who are not ordinarily resident in Fiji or who are in part time attendance at the Government Schools specified in such Schedule.

Interpretation

4. For the purposes of these Rules, "a pupil ordinarily resident in Fiji" includes a pupil whose parents or 1 of whose parents are or is in employment in Fiji.

FIRST SCHEDULE

(Rule 2)

(Substituted by Legal Notice 80 of 1978; amended by Legal Notice 100 of 1982.)

FEES: RESIDENTS

School	Tuition fee per annum	Boarding fee per annum	Total fee per term
Secondary Schools—Forms 1-4	\$ 48	\$ —	\$ 16
Forms 5-6	84	—	28
Adi Cakobau School.....	—	60	20
Ratu Kadavulevu School	—	48	16
Forms 3-6 Vocational.....	42	36	26

School	Tuition fee per annum	Boarding fee per annum	Total fee per term
	\$	\$	\$
Queen Victoria School.....	—	66	22
Bucalevu Junior Secondary School.....	—	42	14
Vunisea Junior Secondary School.....	—	42	14
Adi Maopa Government School— (Boat Building Course).....	36	42	26
Natabua High School.....	—	78	26
Fiji Institutes of Technology—			
Derrick Technical Institute.....	96	300	132
Ba Technical Centre.....	96	—	32
Labasa College—.....	—	78	26
Levuka Public School—.....	78	26	—
Nawela Girls' Hostel—.....	—	78	26

SECOND SCHEDULE

(Rule 3)

(Substituted by Legal Notice 80 of 1978.)

FEES: NON-RESIDENTS

Details	Fees
Fiji Institutes of Technology:	
Derrick Technical Institute—	
Registered Apprentices (ordinarily resident in Fiji).....	Tuition..... \$24 per annum Boarding..... \$ 8 per week
Registered Apprentices (not ordinarily resident in (Fiji).....	Tuition..... \$96 per annum Boarding..... \$ 8 per week
Ba Technical Centre—	
Registered Apprentices.....	Tuition..... \$24 per annum
Extension class pupils.....	Tuition..... \$ 3 per term for each weekly hour of tuition, or <i>pro rata</i> at the annual rate for courses shorter than 1 term
Nasinu Teachers' College—	
Full-time pupils (not ordinarily resident in Fiji).....	Tuition and Boarding..... \$1200 per annum
Pupils not ordinarily resident in Fiji who are attending full-time at Schools listed in the First Schedule.....	Tuition..... 4 times the fee shown in the First Schedule

Boarding.....	Twice the fee shown in the First Schedule except for Derrick Technical Institute for which the boarding fee is \$300 per annum.
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SECTION 29.—EDUCATION (GRANTS AND ASSISTANCE TO NON-GOVERNMENT SCHOOLS) REGULATIONS

Regulations 1st Dec., 1966 [in force 16th Dec., 1966], 18th Feb., 1969, 2nd June, 1977.

Made by the Director of Education

Short title

1. These Regulations may be cited as the Education (Grants and Assistance to Non-Government Schools) Regulations.

Eligibility for grants, schools other than secondary schools

2. The Permanent Secretary may, in his discretion, make grants to schools other than secondary schools for the building or extension of such schools and, in addition, where such a school has been registered, may make provision for all or any of the following forms of assistance:—

- (a) the secondment of Government teachers;
- (b) assistance towards the salaries of certificated teachers reserved for the service of the controlling authority;
- (c) the issue of tools and equipment designed to promote the teaching of craft subjects;
- (d) the issue of books and other educational materials and equipment;
- (e) such other forms of assistance as may from time to time be deemed desirable by the Director.

Eligibility for grants, secondary schools

3. The Permanent Secretary may make grants to secondary schools for all or any of the following purposes:—

- (a) new buildings or the extension of existing buildings;
- (b) the secondment of Government teachers;
- (c) assistance towards the salaries of non-Government teachers;
- (d) assistance towards other recurrent expenses considered by the Permanent Secretary to be necessary;
- (e) the issue of tools and equipment designed to promote the teaching of craft subjects;
- (f) the issue of books and other educational materials and equipment;

(g) such other forms of assistance as may from time to time be considered necessary by the Director because of the nature of the subjects or courses provided in a school.

(Amended by Regulations 2nd June, 1977.)

Method of application

4. All applications for building grants shall be made on the appropriate form by the controlling authority of the school.

Conditions may be imposed

5. In granting any form of assistance under the provisions of these Regulations, the Permanent Secretary may impose such conditions and terms as he may consider necessary in the circumstances.

Suspension or cancellation of assistance

6. The Permanent Secretary may suspend or cancel any form of assistance to any school or controlling authority if, after due warning, he is satisfied that the conditions governing the award of such assistance have not been complied with.

(Amended by Regulations 2nd June, 1977.)

SECTION 29.—EDUCATION (ESTABLISHMENT AND REGISTRATION OF SCHOOLS) REGULATIONS

Regulations 1st Dec., 1966 [in force 16th Dec., 1966].

Made by the Director of Education

Short title

1. These Regulations may be cited as the Education (Establishment and Registration of Schools) Regulations.

Interpretation

2. In these Regulations, "appropriate form" means any form approved by the Permanent Secretary for use in any particular case pursuant to the provisions of these Regulations.

Classification of schools

3. Schools shall be classified into the following categories:—

- (a) kindergartens, being schools in which instruction is given to children between the ages of three and six years in games, stories, simple handwork and other activities aimed in inculcating good physical and social habits;
- (b) primary schools, being schools in which full time instruction is given from the first year to the eighth year of formal education or for any shorter period;
- (c) intermediate schools, being schools in which full time instruction is given to the pupils in the seventh and eighth or the sixth, seventh and eighth years of formal education;

- (d) middle schools, being schools in which full time instruction, mainly of a practical nature, extending over a period of two or three or four years, is given to pupils who have completed the sixth year of formal education;
- (e) secondary schools, being schools in which full time instruction is given in general, technical, commercial and/or agricultural subjects, extending over a period of from two to six years, to pupils who have completed the full primary school course; and in which instruction may also be given to part time pupils;
- (f) technical institutes, being schools in which full or part time instruction is given in general, technical or commercial subjects up to trade, sub-professional or professional level;
- (g) craft centres, being schools in which full or part time instruction is given in handcraft and homecraft subjects;
- (h) vocational schools, being schools in which full or part time instruction is given in general and vocational subjects;
- (i) teachers' colleges, being institutions for the training of teachers.

Establishment of schools

4. Any person or body wishing to establish a new school shall first apply to the Permanent Secretary on the appropriate form not less than nine months prior to the date on which it is proposed to open a school and shall take no further action towards the establishment of such school until the approval of the Permanent Secretary thereto has been given in writing:

Provided that—

- (a) the Permanent Secretary may in his discretion reduce such period of nine months;
- (b) in the event of the Permanent Secretary not being satisfied that reasonable action has been taken to establish the school, any approval granted by him shall lapse after a period of six months from the granting of such approval.

Application for registration or recognition of schools

5. Not less than one month prior to the date on which it is proposed to open a new school, application shall be made by the person or body authorised to establish such school to the Permanent Secretary on the appropriate form for registration or recognition of such school.

Registration of schools

6.—(1) Save in exceptional circumstances, no school shall be registered unless it conforms with the requirements laid down for registered schools.

(2) Where the Permanent Secretary is satisfied that a school is serving a useful purpose even though it does not conform with all the requirements laid down for registered schools, he may grant a certificate of recognition.

Conditions for registered or recognized schools

7. Registered and recognized schools shall—

- (a) be open for not less than 195 days in any school year;

(b) conform to the dates for school terms and vacations as laid down from time to time by the Permanent Secretary:

Provided that the Permanent Secretary may, on prior application being made, vary these dates in respect of individual schools;

(c) keep such books and records and submit such returns as the Permanent Secretary may from time to time require;

(d) provide instruction for full-time pupils for a period exclusive of the luncheon recess of not less than 4½ hours a day during the first two years of formal education and of not less than 5 hours a day in subsequent years:

Provided that in special circumstances the Permanent Secretary may vary the provisions of this paragraph;

(e) conduct examinations at such times as the Permanent Secretary may require and enter the results of each pupil in a register to be kept for the purpose.

Age of pupils

8. Unless in the opinion of the Permanent Secretary, special circumstances exist, no registered or recognized primary school shall admit a pupil who is under the age of six years on the 30th day of June in the year of admission nor, without the approval of the Permanent Secretary in writing, shall any pupil remain in primary school after the end of the year in which he reaches the age of fifteen years.

Admission of pupils

9.—(1) While a registered or recognized school may, when selecting pupils for admission give preference to pupils of a particular race or creed, no pupil shall be denied admission solely on grounds of race or religion.

(2) Save with the prior approval of the Permanent Secretary given either generally or specially, no pupil shall be admitted to the first year of formal education in a registered or recognized school except during the first two weeks of the first term.

Register of schools

10. The Permanent Secretary shall—

(a) keep a register of all registered and recognized schools;

(b) issue to the manager of each school a certificate of registration or recognition in the appropriate form and such certificate shall be suitably mounted and displayed in the school.

School to display name and number

11. Each school shall display its name and the registered number given to it outside the school in a conspicuous position.

Number of pupils in a class

12.—(1) Except in a case where a member of a staff is temporarily absent, no teacher in a primary or intermediate school shall be in charge of a class or classes of more than 50 pupils without the approval in writing of the Permanent Secretary and any such approval once given, shall lapse at the end of the school year for which it has been granted.

(2) Except in a case where a member of the staff of the school is temporarily absent, no teacher in any classification of school other than a primary or intermediate school shall be in charge of a class or classes of more than 40 pupils without the approval in writing of the Permanent Secretary and any such approval, once given shall automatically lapse at the end of the school year for which it has been granted.

SECTION 29.—EDUCATION (CERTIFICATION AND LICENSING OF TEACHERS) REGULATIONS

Regulations 1st Dec., 1966 [in force 16th Dec., 1966].

Made by the Director of Education

Short title

1. These Regulations may be cited as the Education (Certification and Licensing of Teachers) Regulations.

Interpretation

2. In these Regulations, "appropriate form" means any form approved by the Permanent Secretary for use in any particular case pursuant to the provisions of these Regulations.

Application for registration

3. A certificate to teach in the appropriate form may be issued to an applicant who—

(a) has satisfactorily completed the approved course of training either locally or outside Fiji;

Provided that—

(i) upon the completion of such course an applicant for a certificate to teach may be issued by the Permanent Secretary with a provisional certificate in the appropriate form which, upon reports being received by the Permanent Secretary as to the satisfactory service of the applicant after a minimum period of one year, shall be replaced by a full certificate in which case the provisional certificate shall remain in force until it is replaced by a full certificate or is revoked for any other reason;

(ii) the Permanent Secretary may, if he considers that special circumstances exist, grant a certificate to teach to an applicant who has not completed such a course of training;

(b) makes application to the Permanent Secretary on the appropriate form;

(c) furnishes a certificate of good character signed by a person approved by the Permanent Secretary;

(d) furnishes a certificate from a registered medical practitioner that he is free from any mental or physical defect which would interfere with his efficiency as a teacher or with the health of his pupils.

Licences to teach

4. A licence to teach in the appropriate form may be issued to an applicant who—

- (a) makes application to the Permanent Secretary on the appropriate form;
- (b) furnishes a certificate of good character signed by a person acceptable to the Permanent Secretary;
- (c) furnishes a certificate from a registered medical practitioner that he is free from any mental or physical defect which would interfere with his efficiency as a teacher or with the health of his pupils;
- (d) satisfies the Permanent Secretary that he is academically qualified for the work he is to undertake;
- (e) satisfies the Permanent Secretary that, if he is without previous experience, he will be working directly under adequate supervision.

Validity of licences

5. A licence to teach shall be valid only for the period and for the school specified therein.

Register

6.—(1) The Permanent Secretary shall keep registers of all teachers to whom certificates and licences to teach have been issued and whose certificates have been recognized under the provisions of section 21 of the Act.

(2) Each certificate issued under the provisions of these Regulations shall bear a registration number which number shall be retained by the holder of the certificate throughout his teaching career.

Amendment, loss or destruction of certificates

7.—(1) In the event of there being any necessity for an alteration to be made to a certificate or a licence, the holder thereof shall return the certificate or licence, as the case may be, to the Permanent Secretary whereupon a new certificate or licence, as the case may be, shall be issued.

(2) In the event of any certificate or licence issued under the provisions of these regulations being lost or destroyed or becoming illegible for any reason, the Permanent Secretary may issue a duplicate certificate or licence, as the case may be, upon payment by the holder of the sum of fifty cents.

Cancellation of certificates

8. Upon the cancellation of any certificate or licence issued under the provisions of these Regulations, the holder thereof shall forthwith return the certificate or licence, as the case may be, to the Permanent Secretary.

SECTION 29.—EDUCATION (PAYMENT AND REMISSION OF FEES)
REGULATIONS

Regulations 26th Nov., 1964 [in force 4th Dec., 1964] 2nd June, 1978

Made by the Director of Education

Short title

1. These Regulations may be cited as the Education (Payment and Remission of Fees) Regulations.

Interpretation

2. In these Regulations—

“manager” in relation to a hostel means a person appointed by the Permanent Secretary as manager of a hostel or, in default of any such appointment, the Head Teacher or Principal of the school to which the hostel is attached.

Application

3. These Regulations shall, except where otherwise stated, apply to all Government primary, secondary and technical schools and to school hostels maintained and run by the Education Department.

Tuition fees

4. Tuition fees for pupils from Fiji and for pupils from other administrations, shall be as laid down from time to time by the Cabinet:

Provided that in the event of a pupil being enrolled after half term or leaving school before half term the tuition fee in respect of such pupil shall be half the full tuition fees payable for the term.

Tuition fees payable in advance

5. No pupil shall be admitted or readmitted to a Government school unless his tuition fees for that term are paid in full within fourteen days from the opening day of term:

Provided that—

(a) where a pupil has been granted partial remission, or a partly-free place, or where a proportion of his tuition fees is being met from some other source or sources, the balance of the annual tuition fees payable may, in cases where such assistance is equivalent to or greater than one term's fees, be paid in equal instalments on or before the opening day of the second and third terms of the year in respect of which such balance is payable;

(b) no primary school pupil whose application for remission of tuition fees is still under consideration on the opening day of term shall be refused admission solely on grounds of inability to pay the full fee for that term;

(c) no tuition fees shall be payable in respect of a pupil provisionally admitted to the Lower Sixth Form of any Government school the

provisional admission of which pupil is subsequently cancelled by reason of his failure to achieve an adequate standard of pass in the School Certificate examination;

- (d) the Permanent Secretary may, in exceptional circumstances, in his absolute discretion and subject to such conditions as he may see fit to impose, permit a pupil to be admitted or readmitted to a Government school on special terms as to payment of the tuition fees in respect of such pupil. (*Amended by Regulations, 2nd June, 1978.*)

Remission of tuition fees

6. In the case of primary school pupils from Fiji, the Permanent Secretary may remit tuition fees either in whole or in part on production of satisfactory evidence of inability to pay:

Provided that—

- (a) save in exceptional circumstances, applications for remission of fees shall be lodged with the Head Teacher or Principal of the primary school concerned on or before the first day of January in the year in respect of which remission is sought;
- (b) no fees shall be remitted in respect of any pupil whose academic record or whose behaviour is unsatisfactory or whose continued attendance at school is, in the opinion of the Permanent Secretary, unwarranted; and
- (c) any remission granted shall automatically lapse at the end of the school year in respect of which it is granted.

Pupil refused remission to pay fees within one month

7. No pupil, whose application for remission of fees has been refused and whose fees remain unpaid one month after notice of refusal, shall be allowed to remain at the school.

Hostel fees

8. The hostel fees for pupils from Fiji, and for pupils from other administrations, shall be at such annual rate as may from time to time be determined by the Cabinet:

Provided that—

- (a) in the event of a boarder being admitted after the first fortnight of the term, the hostel fee in respect of that term shall be calculated at the rate of one-fortieth of the annual rate for each week or part of a week during which the boarder is in residence in the hostel during that term;
- (b) if formal notice is given to the manager of the intention to withdraw a boarder from the hostel at least four weeks before the boarder is removed during any term, the hostel fees for that part of the term during which the boarder is not in residence in the hostel shall be refunded at the rate of one-fortieth of the annual rate for each full week during which the boarder is not in residence in the hostel during that term;
- (c) where a boarder is absent from the hostel on the advice of a medical practitioner or for any other sufficient reason during any term, the

- hostel fees for that part of the term during which the boarder is so absent may, at the discretion of the Permanent Secretary, be refunded at the rate of one-fortieth of the annual rate for each full week during which the boarder is so absent during that term; and
- (d) subject to prior notice being given to the manager a reduction of fifteen per cent on the hostel fees payable under these regulations may be made in the case of boarders who spend every weekend at home.

Hostel fees to be paid in advance

9. No pupil shall be admitted or readmitted to a hostel managed by Government unless his hostel fees for that term are paid in full within fourteen days from the opening day of term:

Provided that—

- (a) where a pupil has been granted partial remission, or a partly-free place, or where a proportion of his hostel fees is being met from some other source or sources, the balance of the annual hostel fees payable may, in cases where such assistance is equivalent to or greater than one term's fees, be paid in equal instalments on or before the opening day of the second and third terms of the year in respect of which such balance is payable;
- (b) no primary school pupil whose application for remission of hostel fees is still under consideration on the opening day of term shall be refused admission solely on grounds of inability to pay fees;
- (c) the Permanent Secretary may, in exceptional circumstances, in his absolute discretion and subject to such conditions as he may see fit to impose, permit a pupil to be admitted or readmitted to a hostel managed by Government on special terms as to payment of hostel fees in respect of such pupil.

(Amended by Regulations, 2nd June, 1978.)

Remission of hostel fees

10. The Permanent Secretary, on the advice of the Board of Governors, if any, may remit hostel fees in respect of primary school pupils either wholly or in part on production of satisfactory evidence of inability to pay:

Provided that—

- (a) save in exceptional circumstances, applications for remission of hostel fees shall be lodged with the manager of the hostel on or before the first day of January in the year in respect of which remission is sought; and
- (b) no fees shall be remitted in respect of any boarder whose academic record or whose behaviour is unsatisfactory or whose continued attendance at the school is, in the opinion of the Permanent Secretary, unwarranted.

Boarder refused remission to pay fees within one month

11. No boarder whose application for remission of fees has been refused and whose fees remain unpaid for one month after notice of refusal shall be allowed to remain at the hostel.

Boarder not to remain in hostel during vacations

12. Save in exceptional circumstances, no boarder shall be permitted to remain in a Government hostel during school vacations. Where such permission is granted—

- (a) hostel fees will be charged at the rate of one-fortieth of the annual rate for each week or part of a week for which the boarder is in residence during any school vacation; or
- (b) boarders will be required to undertake such duties as the manager of the hostel may specify.

Controlled by Ministry of Education